

CONSTITUTION

- AND -

LAW



OF THE

MUSKOGEE NATION,

AS COMPILED AND CODIFIED

- BY -

A. P. McKELLOP,

Under Act of October 15, 1892.

MUSKOGEE, INDIAN TERRITORY :  
F. C. HUBBARD, PRINTER.

1893.

*Handwritten:* L. P. McKellop

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## PREFACE.

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In revising and compiling the Statutes of the Muskogee Nation, I have adopted a different system from that heretofore followed by other compilers. Instead of distributing the statutes under chapters, articles, sections and dates of approval, which has heretofore proved cumbersome and unsatisfactory, I have followed the plan of arranging acts of a similar character under appropriate chapters, with the numbers of the sections running continuously without reference to the chapters. I believe this arrangement will prove eminently satisfactory, as it is less complicated than when there are many articles and sections numbered alike. Any section of a statute may be found by simply giving the number of the section. The chapters I have arranged according to importance, and the index alphabetically.

The statutes at large have never been revised in a proper manner since 1867, and for that reason many statutes which have been repealed or amended have appeared in the printed statutes as they were originally passed. Many statutes which now appear in print and are apparently in force, have, upon a careful comparison with later enactments, proven to be very much modified and often wholly superseded.

I have carefully re-written every act and inserted amendments in their proper places, and dropped phrases or portions of laws which have been repealed by subsequent

acts or declared to be unconstitutional by decisions of the courts, and in so doing, many changes in their phraseology as were obviously necessary have been made, but in no instance has the intent of the law been modified or changed. I have divided many laws, where different sections thereof treated of different subjects, and classified them under their proper headings; and on the other hand, I have culled several sections from a number of different laws and grouped them together, where the subject matter treated of appeared to demand such an arrangement. I have also at times reduced three or more sections to one section, wherein more words had been used than were necessary to a clear expression of the intent of the law.

It will be found that many laws have been omitted of which a specific repealing act or acts may not be found; but when it is understood that many laws have appeared in print heretofore which were clearly unconstitutional or in direct conflict with the treaty provisions, and therefore could not be and never had been enforced, I am satisfied that their omission will not be construed as an unauthorized act on my part. I have carefully read all printed laws as found in the compiled laws of 1889, and all manuscript laws as they appear on the record book from the executive office, and from them have compiled every law in force up to and including the acts of the National Council of 1892. I have included in the book a correct copy of the patent to the lands of the Muskogee Nation—an instrument of great interest and importance to the people, but which very few have ever seen or read. I have also added, in the nature of an appendix, a few forms in civil and criminal cases, which I hope will prove of much benefit to the Judges of the



several Districts. The act authorizing the compiling and codifying of the laws, conferred no authority beyond what was necessary to enable the compiler to put the laws in convenient form for general use. I have assumed no authority not conferred upon me. I hope the work, which has cost me a great deal of careful reading and thought, will prove satisfactory to the Legislature and to the people generally.

A. P. MCKELLOP.

*Muskogee, I. T.,*

*March 27, 1893.*

## ACT FOR REVISION AND CODIFYING OF THE LAWS OF THE MUSKOGEE NATION.

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*Be it enacted by the National Council of the Muskogee Nation:*

SECTION 1. That the Principal Chief be and is hereby authorized and directed to appoint a competent citizen of this Nation to compile and codify all the laws in force up to and including the acts of the session of October, 1892; and to have translated into the Creek language all laws which have not heretofore been translated.

After this work shall have been properly completed, the Principal Chief shall have 1,000 copies of same printed and bound in leather—the English and Creek to be bound in same volume—and shall furnish every officer of the Nation and each Town King with a volume free of cost, and the balance shall be sold at such price per volume as the Principal Chief may fix. The proceeds arising from such sale shall be paid over to the National Treasurer by the Principal Chief, who shall also report the same to the National Council.

SEC. 2. The compiler and translator shall be paid \$4.00 per day during actual service, and also necessary traveling expenses.

SEC. 3. The Principal Chief is hereby authorized and directed to issue warrants in payment of expenses to be incurred in carrying out the provisions of this act, when the work herein provided for shall have been performed under his direction and with his approval.

Approved October 15th, 1892.

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# The United States of America.



*To All who shall see these Presents, Greeting*

WHEREAS, A treaty was made and concluded on the fourteenth day of February, in the year of Our Lord, Eighteen Hundred and Thirty-three, in the words following, to-wit :

“ART. 2D. The UNITED STATES hereby agree with the consent of the CREEK and CHEROKEE Delegates, this day obtained, that the MUSKOGEE or CREEK COUNTRY West of the MISSISSIPPI shall be embraced within the following boundaries, viz: Beginning at the Mouth of the NORTH FORK of the CANADIAN RIVER and run Northerly four miles, thence running a straight line so as to meet a line drawn from the South Bank of the ARKANSAS RIVER opposite to the East or Lower Bank of GRAND RIVER at its Junction with the ARKANSAS, and which runs a course South 44 degrees, West one mile, to a post placed in the ground, thence along said line to the ARKANSAS, and up the same and the VIRDIGRIS RIVER to where the old Territorial Line crosses it, thence along said line North to a point twenty-five miles from the ARKANSAS RIVER where the Old Territorial Line crosses the same; thence running at right angles with the Territorial Line aforesaid, or West, to the MEXICO Line; thence along the said line Southerly to the CANADIAN RIVER; or to the Boundary of the CHOC-TAW COUNTRY; thence down said River to the place of beginning.

The lines hereby defining the Country of the MUSKOGEE INDIANS on the North and East, bound the Country of the CHEROKEES along these courses as settled by the treaty concluded this day between the UNITED STATES and that Tribe.

ART. 3D. The UNITED STATES will grant a Patent in fee simple to the CREEK NATION for the land assigned said NATION by this Treaty or Convention, whenever the same shall have been ratified by the PRESIDENT and SENATE of the UNITED STATES; and the right thus granted by the UNITED STATES shall be continued to said Tribe of Indians so long as they shall exist as a Nation and continue to occupy the Country hereby assigned them.

ART. 4TH. It is hereby mutually understood and agreed between the parties to this Treaty that the land assigned to the MUSKOGEE INDIANS by the second Article thereof, shall be taken and considered as the property of the whole MUSKOGEE or CREEK NATION, as well as those now residing upon the land as of the great body of said Nation who still remain on the East side of the MISSISSIPPI; and it is also understood and agreed that the SEMINOLE INDIANS of FLORIDA, whose removal to this Country is provided by their Treaty with the UNITED STATES dated May 9th, 1832, shall also have a permanent and comfortable home on the lands hereby set apart as the Country of the CREEK NATION; and they, the SEMINOLES, will hereafter be considered a constituent part of said Nation, but are to be located on some part of the CREEK COUNTRY by themselves; which location will be selected for them by the Commissioners who have signed these Articles of Agreement or Convention."

Now, know ye, that the UNITED STATES of AMERICA in consideration of the premises and in conformity with the above recited provisions of the Treaty aforesaid

have given and granted, and by these presents do give and grant unto the said MUSKOGEE or CREEK TRIBE of INDIANS the Tract of Country above described. To have and to hold the same unto the said Tribe of Indians so long as they shall exist as a Nation and Continue to occupy the Country hereby assigned to them.

IN TESTIMONY WHEREOF, I, MILLARD FILLMORE, PRESIDENT of the UNITED STATES of AMERICA have caused these letters to be made patent and the *Seal* of the DEPARTMENT of the INTERIOR to be hereto affixed.

Given under my hand at  
the CITY of WASHINGTON the  
Eleventh day of August  
in the Year of OUR LORD  
One Thousand Eight  
Hundred and Fifty-Two  
and of the INDEPENDENCE  
of the UNITED STATES the  
Seventy-Seventh.

MILLARD FILLMORE.

By the PRESIDENT.

ALEXANDER H. H. STUART,  
Secretary DEPARTMENT of the INTERIOR.

PHILLIP H. RAIFORD,  
UNITED STATES AGENT for the CREEK  
INDIANS.

Engrossed from the original draft sent to this office  
by the Commissioner of INDIAN AFFAIRS.

Bureau of the Corps of the Topographical Engineers,  
August 7th, 1852.

JOHN I. ABEST,  
Col. Corps of Engineers.





## CONSTITUTION OF THE MUSKOGEE NATION.

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*In order to form a perfect union, establish justice, and secure to ourselves, and our children, the blessings of freedom, We, the people of the Muskogee Nation, do adopt the following Constitution:*

### ARTICLE I.

SECTION 1. The law-making power of this Nation shall be lodged in a Council, which shall consist of two houses: the House of Kings and the House of Warriors.

SEC. 2. The House of Kings shall be composed of one representative from each town. Each member shall be elected by the vote of the town which he represents, and shall hold his office for four years.

SEC. 3. The House of Warriors shall consist of one representative from each town, and an additional representative for every two hundred persons belonging to the town. Each member shall be elected by the vote of the town which he represents, and shall hold his office for four years.

SEC. 4. The members of Council shall receive such compensation out of the National Treasury as shall be provided for by law.

SEC. 5. A majority of the members of each house shall constitute a quorum; but a less number may adjourn from day to day and compel the presence of absentees.

SEC. 6. Each house shall judge of the returns and qualifications of its members, impeach a member for disorderly conduct, and, by the concurrence of the two-thirds of both houses, expel a member. Neither house shall adjourn for a longer period than two days without the consent of both houses.

SEC. 7. The House of Kings shall elect its own President, and the House of Warriors shall elect its own Speaker.

SEC. 8. Each house shall choose its own Secretary, whose pay shall be provided by law, and whose term of office shall continue at the discretion of the house which he serves.

SEC. 9. No person shall become a member of either house, who shall not be an acknowledged citizen and who shall not have attained the age of twenty-two years.

SEC. 10. The style of the action of the Council shall be: "Be it Enacted by the National Council of the Muskogee Nation."

## ARTICLE II.

SECTION 1. There shall be a Principal Chief, to be styled the "Principal Chief of the Muskogee Nation," who shall be elected for the term of four years, by a majority of the votes of the male citizens of the Muskogee Nation who shall have attained the age of eighteen years. There shall also be a Second Chief, who shall be chosen for the same term, in the same manner as that prescribed for the election of the Principal Chief, and in case of the death, resignation, or removal from office of the Principal Chief, he shall perform all the duties of that officer.

SEC. 2. No person shall be eligible to the office of Principal or Second Chief of the Muskogee Nation, who is not a recognized citizen of the same, and who shall not have attained the age of thirty years.

SEC. 3. The Principal Chief is hereby invested with the reprieving and pardoning power. He shall see that all the laws of this Nation are faithfully executed and enforced; shall make an annual report to the National Council of the condition of affairs in the Nation; and shall recommend such measures as he may deem necessary for the welfare of the Nation.

SEC. 4. Whenever any bill or measure shall pass both houses, it shall be submitted to the Principal Chief for his approval or rejection. If he shall approve it, it shall become a law. If he shall object to it, he shall, within five days, return it, accompanied by his objections, to the house in which it originated; and if not so returned within five (5) days, it shall become a law. If, after a bill or measure has been vetoed by the Principal Chief, it shall again be submitted to the two houses, and receive a favorable vote of two-thirds of both houses, it shall become a law.

SEC. 5. Whenever any bill or measure shall pass both houses and be submitted to the Principal Chief for his approval or rejection, within five days before an adjournment, he shall be allowed the first three days of the next Council within which to return the same.

SEC. 6. The Principal Chief shall be allowed to select a Private Secretary, who shall be compensated out of the National Treasury as provided by law.

### ARTICLE III.

SECTION 1. The Supreme law defining power in this Nation shall be lodged in a High Court, to be composed of five (5) competent, recognized citizens of the Muskogee Nation, who shall have attained the age of twenty-five (25) years. They shall be chosen by the National Council for the term of four years, and shall be paid as provided for by law.

SEC. 2. This Court shall meet on the first Monday in October in each year, and shall have power to try all cases where the issue is for more than one hundred dollars (\$100). Three members shall constitute a quorum.

### ARTICLE IV.

SECTION 1. The Muskogee Nation shall be divided into six (6) districts, and each district shall be furnished with

a judge, a prosecuting attorney and a company of light horsemen.

SEC. 2. The judge shall be chosen by the National Council for the term of two years. He shall try all cases, civil and criminal, where the issue does not exceed one hundred dollars. He shall have the right to summon twenty-four disinterested men, out of which number there shall be selected, in criminal cases twelve, and in civil cases nine, who shall sit as jurors. He shall also be allowed a clerk, whose pay shall be provided for by law. The Judge's pay shall be provided for by law.

SEC. 3. Any person failing to obey a summons to serve as juror, without good reason for such failure, shall be fined in the sum of five dollars (\$5). Each juror whilst in service shall receive one dollar per day.

SEC. 4. The Prosecuting Attorney shall be appointed by the Principal Chief, by and with consent of the National Council. It shall be his duty to indict and prosecute all offenders against the laws of his district. For each convict he shall be paid the sum of twenty-five dollars (\$25).

SEC. 5. The Light Horse Company shall consist of a captain and four privates, who shall be elected for the term of two years by the vote of the district, and shall be subservient to the orders of the Judge. Their compensation shall be provided for by law.

## ARTICLE V.

SECTION 1. There shall be a National Treasurer, who shall be selected by the National Council for the term of four years. His duty shall be to receive and receipt for all National funds, and to disburse the same as shall be provided for by law. He shall report the condition of the National finances to the National Council at least once every year. He shall be required to bind himself in a bond of five thousand dollars (\$5,000), with good security, for

the faithful performance of his duty. He shall be paid as provided for by law.

SEC. 2. No moneys shall be drawn from the National Treasury, except to carry out appropriations made by the National Council, and when such an appropriation is so made, the Principal Chief shall issue a draft upon the Treasury to meet the same.

## ARTICLE VI.

SECTION 1. There shall be a National Interpreter, who shall be elected by the National Council for the term of four years, and who shall be compensated according to provisions of law.

## ARTICLE VII.

SECTION 1. All officers of this Government shall be liable to impeachment, trial and removal from office for neglect of duty.

SEC. 2. All bills of impeachment shall originate in the House of Warriors.

## ARTICLE VIII.

SECTION 1. No laws impairing contracts shall be passed.

SEC. 2. No laws taking effect upon things that occurred before the enactment of the law shall be passed.

## ARTICLE IX.

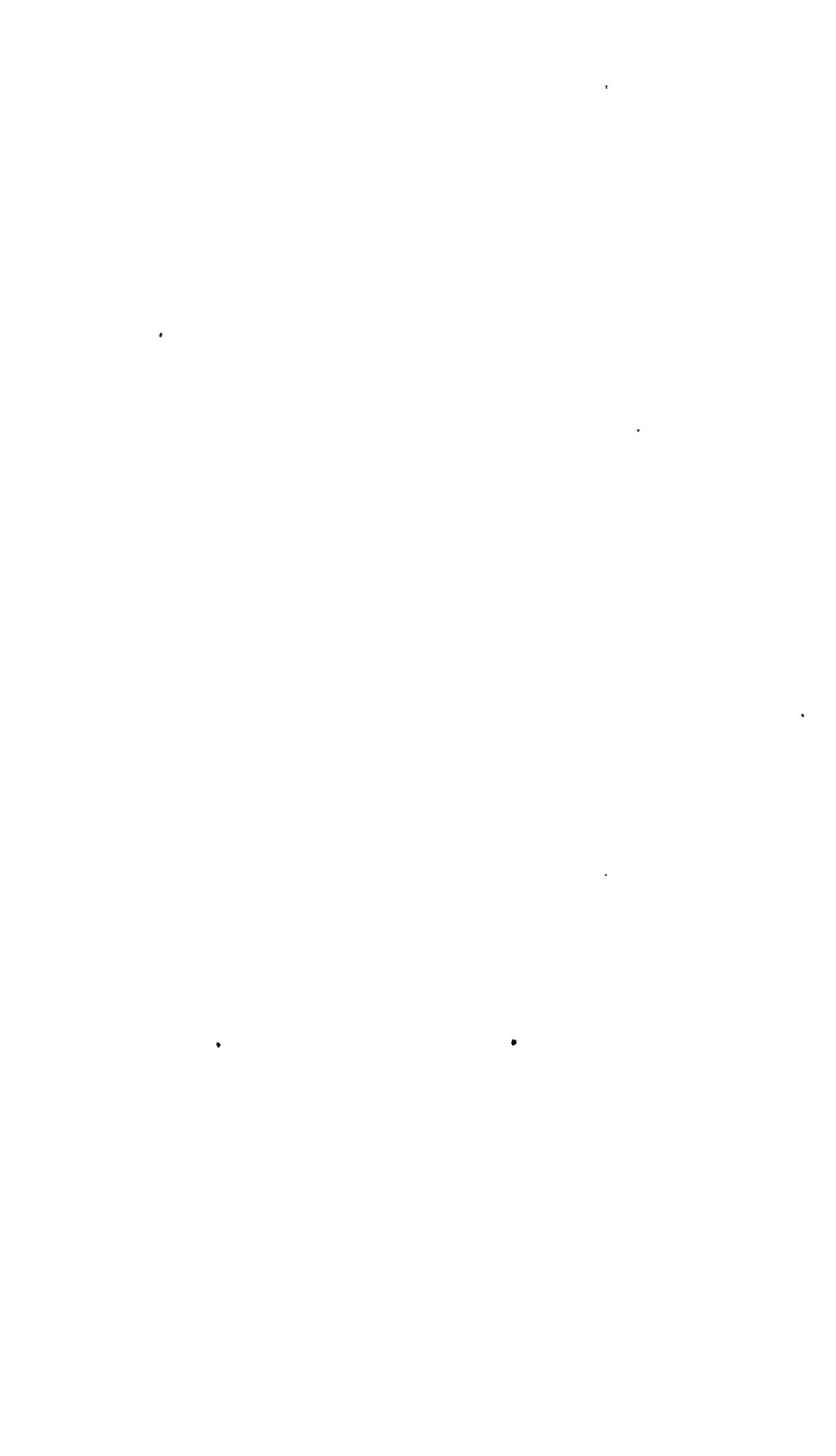
SECTION 1. All cases shall be tried according to the provisions of the respective laws under which they originated.

SEC. 2. All persons shall be allowed the right of counsel.

## ARTICLE X.

SECTION 1. All treaties shall be made by delegates, duly recommended by the Principal Chief, and approved by the National Council, and such treaties shall be subject to the ratification of the National Council.

SEC. 2. The treaties shall be the supreme law of the land.



LAWS.





## CHAPTER I.

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### NATIONAL EXECUTIVE OFFICERS.

#### PRINCIPAL CHIEF.

*Section*

1. Election and term of office.
2. Installation.
3. Executive head.
4. Convene National Council.
5. Convene International Council.
6. Communicate with foreign powers.
7. Appointing of committees.
8. Nominating officers.
9. Suspension of officers.
10. Filling vacancies.
11. Issuance of commissions and certificates.
12. Issuance of national warrants.
13. Office, where.
14. Private Secretary.
15. Salary.
16. Impeachment.
17. Vacancy in executive office.

#### SECOND CHIEF.

*Section*

18. Election and installation.
19. Term of office.
20. Serving as Principal Chief.
21. Salary.
22. Impeachment.

#### NATIONAL TREASURER.

*Section*

23. Election and installation.
24. Disbursing funds.
25. Office, where, penalty for misdemeanor in.
26. Salary.
27. Impeachment.

#### NATIONAL AUDITOR.

*Section*

28. Election and installation.
29. Office, where, penalty for misdemeanor in.
30. Books and accounts.
31. Records of appropriations, &c.
32. Reports and expenses of other national officers.
33. Annual report.
34. Salary.
35. Impeachment.

**NATIONAL INTERPRETER.***Section*

- 36. Election and installation.
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**INTERNATIONAL DELEGATES.***Section*

- 38. Number and election.
- 39. Duties of.
- 40. Pay for services.

**NATIONAL TRANSLATOR.***Section*

- 41. Election and term of office.
- 42. Duties of.
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**LICENSE TAX COLLECTOR.***Section*

- 44. Election and term of office.
- 45. Bond.
- 46. Collection of fees, etc.
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- 48. Annual reports.

**NATIONAL LIVE STOCK INSPECTOR.***Section*

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- 54. Election of officers and meetings.
- 55. Duties of Board.
- 56. Appointing Trustees.
- 57. Control of schools.
- 58. Visiting schools.
- 59. Duties of the President of the Board of Education.
- 60. Duties of the Secretary of the Board of Education.
- 61. Authority of the Board of Education.
- 62. Appointing of primary schools.
- 63. Reports of members to the Board of Education.
- 64. Salary.

**PRINCIPAL CHIEF.**

**SECTION 1.** The Principal Chief shall be elected on the first Tuesday in September by vote of the people, and shall hold his office for a period of four years.

**SEC. 2.** He shall, on the fifth day of December next following his election, enter upon the duties of his office. He shall be installed by the Chief Justice of the Muskogee Nation, and shall not be recognized as being properly qual-

ified to discharge his duties until he has taken and subscribed to the following oath, to wit :

I (name) do hereby most solemnly swear in the presence of Almighty God, that I will truly and honestly support the Constitution and Laws of the Muskogee Nation, and will faithfully discharge all the duties of my office to the best of my ability. So help me God.

SEC. 3. He shall constitute the executive head of this Nation.

SEC. 4. In cases of great necessity he shall have power to convene the National Council by issuing an order to the President of the House of Kings and the Speaker of the House of Warriors, to call the members of their respective Houses to convene.

SEC. 5. He shall have power to call an International Convention or Council of the Tribes or Nations residing within the limits of the Indian Territory whenever the same shall be necessary for the welfare of the Indian race.

SEC. 6. He shall be the medium through which this Government shall communicate with foreign powers, where the same is not otherwise provided for by law.

SEC. 7. He shall appoint National Committees, whose appointment is not otherwise provided for by law, and may appoint and commission, on special public business, one or more persons, during the intervals of council, whose expenses and compensation shall be paid out of the National Treasury ; *provided, however*, that he shall not have the right to appoint and commission *Delegates to Washington, D. C.*, without the advice and consent of the National Council.

SEC. 8. He shall nominate to the National Council, the National Auditor, the Delegation to Washington, D. C., Live Stock Inspector, Members of the Board of Education, License Tax Collector and the District Attorneys.

SEC. 9. He shall have power to suspend any Judicial or Executive officer who neglects the duties of his office, or is guilty of misdemeanor in the same.

SEC. 10. When a vacancy shall occur in any of the branches of this Government, from any cause, he shall fill such vacancies *pro tem.*, until the National Council shall convene, when all such vacancies shall be filled by legal election.

SEC. 11. He shall have the issuance of all Commissions from the Muskogee Government, and shall record the names of all persons who have been adopted or have proved their rights to citizenship, in a book provided for that purpose, which shall be kept in the executive office. He shall issue certificates of citizenship under seal of his office to such persons as have been adopted or have proved their rights to citizenship, and shall charge one dollar and twenty-five cents (\$1.25) for each certificate, twenty-five cents (25c) of which shall be retained by the private secretary as personal fee; the remainder to be transmitted to the National Treasury. He shall require all persons who may be adopted to take the oath of allegiance to the Constitution and Laws of the Muskogee Nation and renounce allegiance to all other governments. He shall have prepared blank forms of oath as herein mentioned, to fill out the blank forms, which shall be attested by the Principal Chief and his private secretary and filed in the executive office.

SEC. 12. He shall have the issuance of all the National warrants; but no warrants shall be issued until an appropriation by the National Council has been made to cover the same.

SEC. 13. He shall have his office in the National capitol.

SEC. 14. He shall be allowed one Private Secretary, who must be a *bona fide* citizen of the Muskogee Nation, and who shall receive a salary of Four Hundred (\$400.00) Dollars *per annum*.

SEC. 15. He shall receive an annual salary of Twelve Hundred (\$1200.00) Dollars.

SEC. 16. He shall be subject to impeachment and removal from office for neglect of duty, or crimes or misdemeanors in office.

SEC. 17. Should there occur a vacancy in the Executive Office of this Nation, eight months or less before the expiration of his term, the President of the House of Kings shall perform the duties of that office to the end of the term ; but if it is for a longer period than eight months he shall then issue an order for the filling of the vacancy by the popular vote, as provided for by the Constitution.

#### SECOND CHIEF.

SEC. 18. The Second Chief shall be elected on the first Tuesday of September by vote of the people, and shall be installed on the fifth of December following.

SEC. 19. He shall hold his office for the same term as the Principal Chief.

SEC. 20. In case of death, removal or suspension from office of the Principal Chief, the Second Chief shall act in that officer's place.

SEC. 21. He shall receive an annual salary of seven hundred (\$700.00) dollars.

SEC. 22. He shall be subject to the same laws of impeachment as the Principal Chief.

#### NATIONAL TREASURER.

SEC. 23. The National Treasurer shall be elected by the National Council, at the regular session next succeeding the general National election, and shall enter upon the duties of his office on the fifth day of December following. He shall be installed in the same manner as and by the same officer who installs the Principal Chief ; and until such installation he shall not be competent to perform the functions of his office.

SEC. 24. He shall receive, have charge of and disburse the funds of the Muskogee Nation, according to the provisions of the National Council.

SEC. 25. He shall have his office at the National capitol, and shall be present at Okmulgee, either in person

or by a competent deputy empowered to act for him in all matters, at least one week at the close of each quarter, and during the entire sessions of the National Council. In case of a violation of this provision, he shall be guilty of a misdemeanor in office, and upon proof of the same his office shall be declared vacant, and shall be filled by the Principal Chief *pro tem.* until the meeting of the National Council. He shall include in his annual report, the names of the districts and officers from whom receipts come into his office, and the accounts on which the same were paid. He shall cash all warrants issued by the Muskogee Nation, and held against the same, up to October 23d, 1879, before making any payment upon any which have been or shall be issued after that date. After all warrants, issued previous to the above mentioned date shall have been canceled, he shall make payment on those issued after that date according to the date of issuance; *provided*, that after the date of a public payment has been published, and the parties holding warrants having priority of date shall fail to present them, it shall be the duty of the National Treasurer to cash those having the next priority; *provided also*, that this section shall not be so construed as to affect in any manner educational or other preferred warrants.

SEC. 26. He shall receive an annual salary of Six Hundred (\$600.00) Dollars, and out of this amount he shall be required to pay his traveling expenses.

SEC. 27. He shall be subject to the laws regarding impeachment.

#### NATIONAL AUDITOR.

SEC. 28. The Principal Chief shall nominate to the National Council during its regular session next succeeding the general national election, a suitable person to fill the position of National Auditor of Public accounts. Should such nomination be not confirmed, he shall nominate a second, etc. After such nomination shall have been duly

confirmed, the Chief Justice of the Muskogee Nation, on the fifth day of December following, shall administer the regular oath of office, and after the Auditor has taken and subscribed to the same, he shall be competent to perform the duties pertaining to his position.

SEC. 29. He shall have his office in the National Capitol, and shall be present at the seat of government, either in person or by deputy duly empowered to act for him in all respects, during the entire session of the National Council, and at least one week at the expiration of each quarter. For a violation of this provision he shall be subject to the same penalty as would the National Treasurer for a like violation.

SEC. 30. He shall keep suitable books of accounts with the United States Government, with the different officers of the Muskogee Nation, and with other persons doing business of a public character with the same; to examine and supervise the accounts of the National Treasurer, or any other person who may disburse the public money of the Nation. It shall be the duty of the National Treasurer, or other disbursing officer or officers, to render prompt vouchers to the Auditor for all monies that may have been paid by them for the Nation.

SEC. 31. He shall keep a complete record of all appropriations furnished him by the Principal Chief, and the purpose for which each appropriation was made. Whenever a warrant, or warrants, duly executed, to cover the amount of an appropriation, has been endorsed by him and entered to the credit of such an appropriation, the entry or account of the appropriation shall be balanced or closed; and should any warrant, or warrants, in excess of an appropriation be presented for his endorsement, it shall be his duty to reject the same, at the same time taking an account of such over-issue, giving the date of issue, the amount, to whom issued, and under what act the same was issued, and report the same to the National Council.

SEC. 32. It shall be the duty of all judicial and executive officers, who are by law authorized to issue national scrip and jury tickets, to furnish the Auditor of Public Accounts with regular quarterly statements in detail of the expenses of their respective offices, and the Auditor shall enter such statements to the credit of such officers respectively. He shall take up and cancel all national scrip and jury tickets and issue in lieu thereof certificates of his office, charging such canceled scrip and tickets to the officer issuing the same. He shall make annual reports to the National Council of those accounts, and said reports shall be made the basis upon which appropriations shall be made to defray the expenses of all such officers.

SEC. 33. The Auditor shall make an annual report of the financial condition of the Nation, its resources and liabilities, to the Principal Chief, at such time as the Principal Chief may require.

SEC. 34. He shall receive an annual salary of six hundred (\$600) dollars.

SEC. 35. He shall be liable to the laws governing impeachment.

#### NATIONAL INTERPRETER.

SEC. 36. The National Interpreter shall be elected by the National Council at the regular session next succeeding the general national elections, and shall be installed in the same manner and by the same officer as other national officers, on the fifth of December next following ; and shall not be competent to perform the duties of his office until he is thus installed.

SEC. 37. He shall be subject to the laws governing impeachment, as other national officers, and shall receive an annual salary of Twenty-Five (\$25.00) Dollars.



## INTERNATIONAL DELEGATES.

SEC. 38. There shall be two Delegates, elected by the National Council, to represent the Creek Nation at the International Council.

SEC. 39. They shall oppose all measures looking toward the territorialization or sectionization of our public domain, or any change in our present relations with the United States Government. They shall represent in all other matters the interest of the Muskogee people in such a way as will be most for the welfare of the Indian race. They shall report annually to the National Council of the Muskogee Nation.

SEC. 40. Each Delegate shall be allowed the sum of three dollars (\$3.00) per day during the time of active service, and mileage at the rate of ten cents per mile going to and returning from the International Council.

## NATIONAL TRANSLATOR.

SEC. 41. The National Translator shall be elected by Council, and shall serve four years.

SEC. 42. He must be present at the opening of each Council, and remain during the entire term. He must be a thoroughly competent man and must translate all laws, resolutions and other acts of a general nature of the National Council as they are passed and approved; and must read the proof and superintend the printing of the Creek manuscript. He shall have five hundred copies of the translations printed and distribute same to the several District Judges, who will in turn distribute same to those in their respective districts who may desire them.

SEC. 43. He shall receive three (\$3.00) dollars per day during the regular sessions of Council and for ten days thereafter.

## LICENSE TAX COLLECTOR.

SEC. 44. The License Tax Collector shall be nominated by the Principal Chief and confirmed by the National Council, and shall hold his office for the term of two years.

SEC. 45. He shall be required to give, for the faithful performance of the duties of his office, a bond of five thousand ( \$5000.00 ) dollars, with good security, to the National Treasurer, before entering upon the duties of his office.

SEC. 46. He shall collect License Fees from all non-citizens or persons doing business in the Muskogee Nation under license from the United States Government; collecting such fees at the time fixed by law. He shall transmit the fees thus collected to the National Treasurer who, upon receiving them, shall pay to said collector fifteen per cent. ( 15% ) of said money, in payment of his services; *provided, however,* that said collector shall have collected all the License Fees due the Nation up to date, otherwise he shall not be entitled to any pay.

SEC. 47. For neglect to perform his duties he shall be subject to removal from office.

SEC. 48. He shall render an annual report to the National Council, of all the receipts of his office, showing from whom, for what period and for what account, the several amounts were received.

## NATIONAL LIVE STOCK INSPECTOR.

SEC. 49. The National Live Stock Inspector shall be nominated by the Principal Chief and confirmed by the National Council, and shall hold his office for the term of ..... years.

SEC. 50. He shall ascertain the correct number of cattle and other live stock imported into the Muskogee Nation contrary to its laws. He shall have authority to administer oath as to the correctness of the number of such importations, to examine persons under oath, to call for papers and bills of lading and to do everything lawful necessary to the

ascertainment of the correct number of live stock imported, on which fines or taxes are legally due, and collect all such taxes and fines. He may, if necessary, appeal to the courts of this Nation or any other proper court for investigation and adjustment.

SEC. 51. He shall receive as payment, for his services, one-half of all fines and taxes collected.

#### BOARD OF EDUCATION.

SEC. 52. The Board of Education shall be composed of three persons, who must be free from immoral and intemperate habits; they shall be nominated by the Principal Chief and confirmed by the National Council.

SEC. 53. One member of the Board shall be appointed from each School District. One shall be elected for one year, one for two years, and one for three years; and every year thereafter one member shall be elected for three years.

SEC. 54. The Board shall elect one of its members President, and one Secretary, who shall hold their offices during the pleasure of the majority of the members of the Board, and the Board shall meet twice a year at Okmulgee, but the President may call a meeting at any time he may deem necessary.

SEC. 55. The Board shall have authority to adopt rules and regulations, not inconsistent with the laws of the Nation, for its own government and for the government of the schools established and maintained by the Nation; to keep a record of all its proceedings; to authenticate its acts by use of a seal; to make requisition on the Executive Department for funds necessary for the support of the schools; to prescribe and enforce rules for the examination of teachers and for the admission of pupils to the National Boarding Schools and such other High Schools that may hereafter be established; to prescribe and enforce courses of study in the several schools, and a series of text books, among which shall be the Bible; to appoint superintendents and teachers

for the Primary, Boarding and High Schools ; to examine applicants for the position of teacher, and grant certificates according to qualifications ; to revoke, for immoral or intemperate conduct, certificates of all grades ; to remove or discontinue any Primary School which does not maintain a daily average of thirteen pupils during the winter term, and fifteen during the summer term.

SEC. 56. The Board of Education shall appoint to each school three respectable citizens as Board of Trustees who shall hold their office during good behavior, but shall not be entitled to any compensation.

SEC. 57. The Board of Education shall have complete control and supervision of all the schools and the educational interests of the Nation at large, subject to such restriction and direction as may be imposed by law.

SEC. 58. The Board of Education shall visit each Boarding, Manual Labor and High School at least twice a scholastic year, each member of the Board to visit the Primary and Neighborhood Schools in his district twice a year, and carefully examine into the operation and management of the same.

SEC. 59. It shall be the duty of the President of the Board to preside at all meetings of the Board and he shall have an equal voice with his associates in determining all questions submitted for action of the Board, sign all requisitions for funds and perform all other duties imposed upon him by law or by the Board.

SEC. 60. The Secretary of the Board of Education shall keep a correct record of all the transactions of the Board in a suitable book, which book shall be open to inspection by any one; report to the Principal Chief on or before the fifteenth of September in each year a statement of the condition of the schools in the Muskogee Nation; accompany his report with a tabular statement showing the number of schools in operation, number of children attending same, the amount of unexpended appropriation, if any; make esti-

mate of funds required for support of schools the ensuing year, that the National Council may have information upon which to base an appropriation; furnish blanks necessary to enable teachers and trustees to make their reports; to purchase text-books and distribute the same upon requisition of teachers, approved by the Board of Education.

SEC. 61. Each member of the Board shall act, in his district, under instructions from the Board.

SEC. 62. When a neighborhood shall make application to the Board for a school, the member of the Board in whose district the application is made shall grant permission for the establishment of a school, *provided*, there are not less than fifteen pupils, and if a suitable school building with necessary fixtures be provided within six weeks after such permission is given, he shall assign a teacher for the same.

SEC. 63. Each of the members of the Board of Education shall, within one year after the beginning of the regular term of office, ascertain and report to the Board of Education the whole number of children over six and under twenty-one years of age in his school district; state the number of each sex, language spoken by them and their race; number of orphans without parents and with one parent. The Board shall report at the close of each scholastic term to the Principal Chief, the condition and progress of each school under their supervision, together with such suggestions and recommendations as they believe will improve the schools, which report or transcript thereof shall be, with the report of the Board of Education, furnished annually to the National Council of the Muskogee Nation within three days after the meeting of the regular session thereof.

SEC. 64. Each member of the Board of Education shall receive an annual salary of six hundred (\$600.00) dollars. The Board shall execute bonds for twice the amount of any money that they or either of them shall at any time receive from the Nation; said bond to be approved by the National Treasurer.

## CHAPTER II.

## NATIONAL COUNCIL.

## ORGANIZATION.

*Section*

- 65. When to convene.
- 66. Number of sessions.
- 67. Temporary officers and contested seats.
- 68. Introduction of business.

## PROTEST AGAINST ADMISSION TO MEMBERSHIP.

*Section*

- 69. Fee accompanying protest.
- 70. Result of protest.

## PRIVILEGE FROM ARREST.

*Section*

- 71. When privileged.
- 72. Penalty for officers violating above section.

## CLERKS, INTERPRETERS AND CHAPLAINS.

*Section*

- 73. Election of.
- 74. Duties of Clerks.
- 75. Duties of Interpreters.
- 76. Duties of Chaplains.

## PAY OF MEMBERS.

*Section*

- 77. Per diem and mileage.
- 78. Unlawful fees.

## COMMITTEES.

*Section*

- 79. Appointing of.
- 80. Duties of.
- 81. Appointing of Committee Clerks.
- 82. Power of Committees.
- 83. Duties of Chairmen.
- 84. Desks and papers.
- 85. Committee on Citizenship, investigation of rights.
- 86. Record book, &c.

## ORGANIZATION.

SEC. 65. The National Council of the Muskogee Nation shall convene within the National Capitol at the seat of government, on the first Tuesday in October of each year.

SEC. 66. During each constitutional term there shall be four annual sessions, to be held during a period of time not

exceeding thirty days, exclusive of Sunday. Also, on the fifth day of December next following the general national elections, the newly elected members shall convene to organize and do such business as may come before the Council.

SEC. 67. When a quorum of the members elect of either House, respectively, have assembled, a temporary presiding officer and a temporary clerk shall be selected, and the credentials of persons claiming seats shall be examined, after which, one or more of the Judges of the Supreme Court shall administer to each member, severally or otherwise, the regular oath of office, which oath thus administered shall qualify them to perform their duties. But the oath shall be administered to no person, whose seat is contested, until such contest is decided.

SEC. 68. All business intended for the consideration and action of the Council must be introduced or submitted by a member, except official reports required or authorized by law.

#### PROTEST AGAINST ADMISSION TO MEMBERSHIP.

SEC. 69. No protest against the admission of a person supposed to be legally elected, and bearing certificate of election, to a seat in the National Council shall be received or taken notice of, unless the protest is accompanied by the sum of fifty (\$50.00) dollars.

SEC. 70. Should the protest prove just and successful, then the above mentioned sum of fifty (\$50.00) dollars shall be returned to the protesting party or parties; but should the protest prove unsuccessful, it shall be transmitted to the National Treasurer, to be placed to the credit of the general fund.

#### PRIVILEGE FROM ARREST.

SEC. 71. Members of the National Council shall be privileged from arrest while in attendance on any of its sessions, and while going to or returning from the same.

SEC. 72. Any officer of this Government violating this provision shall be subject to suspension and removal from office.

#### CLERKS, INTERPRETORS AND CHAPLAINS.

SEC. 73. Each House shall elect for itself a Clerk and Interpreter and a Chaplain, each of whom shall serve during the constitutional term of Council unless sooner dismissed, and shall not be permitted to clerk for any committee while serving as the regularly appointed Clerk of the House.

SEC. 74. The Clerk shall keep an accurate record of the proceedings of the House and do such other business as properly belongs to the office.

SEC. 75. The Interpreter shall be present at each daily session of his House, and shall interpret from Muskogee to English or from English to Muskogee any address or message, whether *viva voce* or in writing which shall be submitted to the House, whenever the same may be required of him.

SEC. 76. The Chaplain shall be an ordained minister, and shall open the House each morning with prayer.

#### PAY OF MEMBERS.

SEC. 77. Each member of the National Council, and the regular Clerk and Interpreter of each House, shall receive the sum of four (\$4.00) dollars per day during the sessions of that body, Sundays included, and the sum of twenty cents per mile for the distance necessarily traveled in going to and returning from the same.

SEC. 78. It shall be unlawful for any member of Council to take a fee for his support of any claim or measure before Council, and any member violating this Act shall be liable to impeachment and removal from office.

#### COMMITTEES.

SEC. 79. As soon as practicable, after the organization of the Council, the President of the House of Kings and the



Speaker of the House of Warriors shall appoint the following joint standing committees, viz: Committee on Finance, Committee on Education, Committee on Internal Improvements, Committee on Judiciary, Committee on Foreign Relations, Committee on Claims, and Committee on Citizenship. And they shall from time to time appoint such Special Committees, either joint or separate, as may be necessary. A majority of each joint standing committee shall consist of members of the House of Warriors.

SEC. 80. Each committee shall take into consideration all matter committed to its care, report upon the same as early as practicable, and shall only act upon such business as has been especially referred to each committee. Unless otherwise ordered by the Council they shall transact all their business during the intervals between the daily sessions of the two Houses. They shall have authority to adopt rules and regulations for their own government.

SEC. 81. The President of the House of Kings and the Speaker of the House of Warriors, upon the recommendation of the Chairman of the several committees, shall have the appointment of all committee clerks. Each committee shall, to its regularly appointed clerks, pay the sum of three (\$3.00) dollars per day. Regular committee clerks shall not be permitted to clerk for more than one committee at the same time.

SEC. 82. All committees appointed from the National Council, shall have power to call for, and compel deliverance of such books, papers, documents, etc., as they may need in the transaction of business; to compel the attendance of witnesses; to place witnesses under oath, and to use all other lawful means whereby they may arrive at a correct conclusion in such matters as they may have committed to their care, and all such oaths shall have the same binding force and effect as oaths administered by duly qualified judges.

SEC. 83. The presiding officer of the Council and the Chairmen of all standing Committees thereof, are required to keep a correct list of all Bills, reports and other matters that may be referred to them by either branch of the Council, and clearly note on said list a concise statement of the action and final disposition made thereof by said body. The Chairmen of Committees shall, at the end of the term of their office, namely, at 12 o'clock M., on the fourth day of December, of the year when their term expires, turn said list, together with all original matters pertaining thereto, duly authenticated, over to the presiding officer of the House to which he belongs, who is required to accompany the same with a list of all matters pending before his House, and safely secure the same under lock and key of his desk, the key of which he shall surrender to his successor.

SEC. 84. Each one of the desks furnished the several Committee rooms shall have different locks and keys, and each key shall have a label attached with the name of the Committee to which it belongs, and each Chairman of the several Committees shall keep the key of their own desk, and on the last day of each session of the National Council he shall turn it over to the Committee on Capitol, which Committee shall thereupon become responsible to the Chairmen of the several Committees for the safe keeping of all papers contained in their desks until the next succeeding session of the Council.

SEC. 85. The Committee on Citizenship shall consist of five members, two from the House of Kings and three from the House of Warriors. When it shall appear to as many as five citizens that any person residing in the Muskogee Nation is not entitled to citizenship, they shall jointly submit their complaints in writing to the Chairman of the Citizenship Committee, who shall lay the matter before the committee at the next annual Council, and it shall be the duty of the committee to examine carefully and determine all such ques-

tions. The committee is empowered to compel the attendance of at least two of the persons signatory to the complaint, to show cause why such person may not be entitled to the rights of a Muskogee citizen; and persons so attending shall be paid by the Nation such *per diem* as those in actual attendance before the courts of the Nation in criminal suits. The committee shall report through its chairman to the National Council all its actions and determinations, which shall be subject to adoption or rejection by the Council.

SEC. 86. The Committee on Citizenship shall provide a book, in which shall be recorded the names of all persons applying for adoption as citizens of the Muskogee Nation, or for recognition of their claim to the same; the date, the grounds and reasons on which such claim is based; the names of witnesses furnished and examined by the committee to sustain the same. All actions of the National Council, based upon the investigation and determination of the committee on any such case, shall be final and shall not be subject to any subsequent investigation.

## CHAPTER III.

## JUDICIARY.

## SUPREME COURT.

*Section*

- 87. Judges of, how elected and how installed.
- 88. Sessions of.
- 89. How sessions are conducted.
- 90. How suits are to be instituted in.
- 91. How parties to suits and witnesses are summoned.
- 92. Enforcing attendance of witnesses.
- 93. Judgment by default.
- 94. Report to Council of the funds received by the Judges.
- 95. Clerk and caller of the Court.
- 96. Shall not employ non-citizen as clerk.
- 97. Salaries of Judges, Clerk and caller.
- 98. Judges not allowed to practice law during their official term.

## JUDICIAL DISTRICTS.

*Section*

- 99. Number of.
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  - (b) Okmulgee District, boundaries of.
  - (c) Muskogee District, boundaries of.
  - (d) Eufaula District, boundaries of.
  - (e) Deep Fork District, boundaries of.
  - (f) Wewoka District, boundaries of.

## DISTRICT COURTS.

*Section*

- 100. Establishment of Civil Court.
- 101. Sessions of.
- 102. Failure of Judge to hold Court.
- 103. How to enter suit.
- 104. Defendant to be sued in his own district.
- 105. Notification of defendant and summoning of witnesses.
- 106. Judgment by default.
- 107. Filing of bonds by litigants.
- 108. Settlement with witnesses.
- 109. Issuance of execution.
- 110. Administering of oaths to jurors.
- 111. Oaths to be administered to witnesses.
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- 113. The Judge may call for aid from other districts to enforce the law.

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*Section*

- 114. When convene—Postponement—Compelling attendance of witnesses.

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## JUDGE.

- 115. Election and installation of—Clerk and salary of Clerk—Issuance of writs, summons and court scrip—May order Light Horse to any

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116. To be removed for issuance of scrip in his own behalf for clerk service.
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118. Shall not practice law during his official term.
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PROSECUTING ATTORNEY.
120. Election, duties and salary of.
121. Suspension for neglect of duty, how tried.  
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122. Election, installation and duties of—Salaries of Captain and private.
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UNFAITHFULNESS OF ATTORNEYS AT LAW.
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### SUPREME COURT.

SEC. 87. The Judges of the Supreme Court shall be elected by the National Council at the annual session next succeeding the general national election, and shall be installed in the same manner as other officers on the fifth day of December following.

SEC. 88. The Supreme Court shall hold two sessions annually; the first to begin the first Tuesday in June and hold twenty days. The second to begin the first Monday in October and hold thirty days.

SEC. 89. The sessions of the Supreme Court shall be conducted in the same manner as the sessions of the District Court.

SEC. 90. When any person desires to institute a suit before the Supreme Court, he shall notify one of the Supreme Judges at any time he may see proper, making known the names of all witnesses and persons party to the cause.

SEC. 91. When a case has been instituted before the Supreme Court, the Supreme Judge shall notify the Judge of the District wherein the parties to the suit and witnesses for the same reside, giving names and residences of said parties, and the District Judge shall summon all said parties to attend the next session of the Supreme Court.

SEC. 92. Where witnesses who have been summoned to attend trials at the Supreme Court shall fail to obey such summons, the Supreme Court shall exercise the power of ordering the Light Horse of the district in which such persons reside to enforce such attendance.

SEC. 93. When a suit has been instituted before the Supreme Court, and all the parties thereto have been notified twenty days previous to the time of trial, if any of said parties fail to appear at the proper time, the Court shall proceed to consider and decide the case in the same manner as if all parties had appeared, and the decision shall be final, unless the parties who have failed to appear at the time of trial shall, within twenty days of the adjournment of Court, appear before one of the Supreme Judges and render a sufficient reason for non-attendance, in which case there shall be allowed a second trial.

SEC. 94. Each Supreme Judge shall make an annual report to the National Council of all national funds coming into his hands, showing for what accounts and periods same were paid. Upon failure to do this, it shall be the duty of any other officer to report the fact to the Principal Chief, who shall proceed against him in the same manner as in case of a District Judge for like offense.

SEC. 95. There shall be allowed the Supreme Court one Clerk and one Caller, who shall perform all the duties usually pertaining to such positions respectively.

SEC. 96. It shall be unlawful for the Supreme Court to employ a non-citizen as Clerk of the Court; and the Chief Justice shall be held responsible for the employment of the Clerk of his Court, and upon violation of this section he shall be immediately suspended from office by the Principal Chief.

SEC. 97. The Judges of the Supreme Court shall receive an annual salary of two hundred (\$200.00) dollars; the Clerk shall receive a *per diem* of \$4.00, and 20 cents per mile each way; the Caller shall receive a *per diem* of \$2.50, and 20 cents per mile each way.

SEC. 98. No Supreme Judge shall be allowed to practice in the Courts of this Nation during his official term, and the penalty for the violation of this law shall be removal from office.

#### JUDICIAL DISTRICTS.

SEC. 99. The six judicial districts of the Muskogee Nation shall be known and described as follows:

(a) *Cowetah District*.—All that portion of the Muskogee Nation situate north of the Arkansas River.

(b) *Okmulgee District*.—All that portion of the Muskogee Nation situate within the following bounds: Beginning at the point where Cussetah Creek empties into the Deep Fork River, and thence in a northerly direction along the bank of said creek to its source, and continuing in a straight line to the Bald Hills near F. B. Sever's ranch; thence along the east range of the Conchartee Hills to the Arkansas River; thence up the Arkansas River to where the boundary line of the Creek Nation crosses the Arkansas River; thence following said line to the ceded tract; thence along the line of said ceded tract to the bank of Deep Fork River; thence

along the bank of Deep Fork River to the place of beginning.

(c) *Muskogee District*.—All that portion of the Muskogee Nation situate within the following bounds: Beginning at a point known as Hopoethle Yahalari Cow-pen, on Deep Fork River; thence along the banks of Deep Fork River west to Cussetah Creek; thence up the Cussetah Creek to its source, and continuing by a straight line to the bald hills near Capt. F. B. Sever's ranch; thence along the east range of the Conchârtée Hills to the Arkansas River; thence down the Arkansas River to the Cherokee line, and down said line south to the head waters of Elk Creek, and down said creek to the Soda Springs, and thence by a straight line to the place of beginning.

(d) *Eufaula District*.—All that portion of the Muskogee Nation situate within the following bounds: Beginning at a point on the Canadian River at the mouth of Middle Creek; thence up said creek to the Eufaula road; thence up said road to the head waters of Cat-char Micco Creek; thence down said creek to the North Fork River; thence by a straight line to the head waters of Wolf Creek, and down said creek to the falls of the Deep Fork River; thence down said Deep Fork River to Hopoethle Yahalari Cow-pen; thence by a straight line to the Soda Springs on Elk Creek to the Cherokee line; thence along said line to the North Fork River near where it empties into the Canadian River to the place of beginning.

(e) *Deep Fork District*.—All that portion of the Muskogee Nation situate within the following bounds: Beginning at a place on the Deep Fork River known as Deep Fork Falls, and running from thence up the Deep Fork River to the ceded tract; thence along the line of the ceded tract south to the North Fork River; thence down the North Fork River to the mouth of the Cat-char Micco Creek; thence by a straight line to the head waters of Wolf Creek; thence down said creek to the place of beginning.



(f) *Wewoka District*.—All that portion of the Muskogee Nation situate within the following bounds: Beginning at a point where the line of the ceded tract crosses the North Fork River, and running from thence along said line south to the Canadian River; thence along said river easterly to Middle Creek; thence along said creek to Eufaula road; thence by a straight line to the head of Cat-char Micco Creek; thence down said creek to the North Fork River; thence along the North Fork River to the place of beginning.

### DISTRICT COURTS.

SEC. 100. There shall be established in each district, at such point as the citizens of the district shall decide, a District Court; to each Court there shall be attached one Judge, one Prosecuting Attorney, and a company of Light Horsemen, consisting of one Captain and four privates.

### CIVIL COURT.

SEC. 101. For the trial of such civil cases as may arise, each District Court shall hold two sessions annually, to commence as follows:

#### OKMULGEE DISTRICT.

First Session: First Monday in March.

Second Session: First Monday in June.

#### DEEP FORK DISTRICT.

First Session: Third Monday in March.

Second Session: Third Monday in June.

#### WEWOKA DISTRICT.

First Session: First Monday in April.

Second Session: First Monday in July.

#### EUFULA DISTRICT.

First Session: Third Monday in April.

Second Session: Third Monday in July.

#### MUSKOGEE DISTRICT.

First Session: First Monday in May.

Second Session: First Monday in August.

#### COWETA DISTRICT.

First Session: Third Monday in May.

Second Session: Third Monday in August.

SEC. 102. Should any District Judge, by sickness or other hindrance, be prevented from holding Court, at any time specified by law, he shall call a session at as near that time as he may deem best, but no District Court shall sit at one session for a longer time than twelve days.

SEC. 103. Any person wishing to enter suit before any of the District Courts of this Nation shall, in person or by attorney, appear before the District Judge and make known such wishes, stating the names of all persons whom he desires to have summoned as witnesses in his behalf, and the name or names of the person or persons against whom he wishes to institute suit; and it shall be the duty of the Captain of the Light Horse to summon such witness or witnesses to appear at the next session of the Court.

SEC. 104. When the defendant is a citizen of a different district from that of the person suing, the person suing shall appear before the Judge of the district wherein the defendant resides and there enter suit.

SEC. 105. In order that the parties against whom suit is instituted may prepare for trial, it shall be the duty of the Judge to give them due notice, informing them of the nature of the suit and by whom instituted. Both the defendant or defendants and all witnesses shall be summoned at least ten days before the meeting of the Court.

SEC. 106. After all parties have been duly notified by the proper authority, and a decision has been reached, such decision shall be final, whether all parties were present or absent, unless the parties who have been absent during trial appear before the Judge within twenty days after the decision and render proper reasons for non-attendance, in which event another trial shall be allowed.

SEC. 107. Any person or persons, instituting a suit before any of the Courts of this Nation, when obtaining a summons for that purpose, shall file a bond, with sufficient security satisfactory to the presiding Judge, for the payment of such witnesses as he or she shall summon; and the defend-

ant shall be required to file a bond of the same nature for the payment of such witnesses as he or she shall cause to be summoned.

SEC. 108. After the decision in a civil suit has been reached, should either party refuse to settle with the witnesses in accordance with the bond given, the Judge shall order his Light Horsemen to seize and sell any property belonging to such party until the amount of cost is collected.

SEC. 109. Whenever judgment is rendered in any case by the Court, the Judge shall, within five days after the rendering of such judgment, issue an execution, directed to the Light Horsemen, to proceed forthwith and make collection from such party to the amount of the judgment, and such execution shall be returnable at the next session of the Court, with a certificate of proceedings had thereon, which shall be recorded by the Clerk of said Court.

SEC. 110. No person shall be competent to sit on any case as juryman until he has taken an oath, administered by the proper officer, to decide according to law and evidence, without favor or partiality.

SEC. 111. No person shall be allowed to testify in any of the Courts of this Nation, without first taking an oath, administered by the proper authority, to testify according to the whole truth and nothing but the truth.

SEC. 112. Each witness who attends Court in obedience to his summons by the proper authority, shall be allowed one (\$1.00) dollar per day while in service.

SEC. 113. Should any officer in any district require assistance to execute any law of the Muskogee Nation, the District Judge shall call upon any other District Judge or all other District Judges in the Nation for assistance, which assistance such Judge or Judges are authorized and required to render.

## CRIMINAL COURT.

SEC. 114. Each District Court shall convene at nine o'clock A. M., and at the exact time set for the hearing of a criminal case the Judge shall proceed to trial. If delay be prayed by the defendant on account of absence of an important witness, the party praying such delay shall be examined under oath, as to whether or not he has used proper means to have such witness present; and if it be found that proper means have not been taken, then the trial shall be proceeded with the same as if such delay had not been prayed. But if it be found that proper means to have such witness present have been taken, then, without an adjournment, the Judge shall send his Light Horsemen to arrest and compel the attendance of such absent witness, and any person guilty of resisting or evading such arrest shall be guilty of misdemeanor, and, upon conviction, shall receive fifty lashes upon the bare back. If such absent witness cannot be found, and the Judge has reason to believe that he is residing within the limits of the Muskogee Nation, and that his presence may be had, then he may adjourn the Court for five days, excluding Sundays, after which the Court shall again convene and proceed as before; but no Judge shall, on account of absence of witnesses, adjourn his Court more than twice, nor delay a trial for a longer time than ten days, excluding Sundays.

## DISTRICT OFFICERS.

## JUDGE.

SEC. 115. The Judge of each District shall be elected by the National Council at its regular session, for the period of two years, and shall be installed in the same manner as the national officers. He shall have charge of the Court and of the officers thereof. He shall be allowed one Clerk, who shall be allowed three (\$3.00) dollars per day during actual service. He shall have the issuance of writs, summons and court scrip. He shall have the power to order his Light

Horsemen to any portion of his District, and when actually necessary to any portion of the Muskogee Nation. In cases of actual need, he shall have the power of calling to his aid the police force of other districts. In cases of unavoidable expenses and liabilities which may be incurred by reason of confinement of prisoners by the Light Horsemen, board included, he shall issue court scrip for the same; but in no case shall there be paid a greater amount than one (\$1.00) dollar per day for board of a single prisoner. He shall administer oaths to jurymen and witnesses, and shall swear in the members of his Light Horsemen. He shall sit as adjudicator of all points of law contested in his court. He shall receive an annual salary of four hundred (\$400.00) dollars.

It shall be the duty of every Judge before whom a decision has been rendered to settle with the witnesses; and all jurors and witnesses in criminal cases shall be allowed mileage at the rate of 20 cents per mile each way.

SEC. 116. Any Judge found to have issued scrip in his own behalf as payment for services as Clerk, shall be subject to removal from office.

SEC. 117. No Judge shall be allowed to employ a non-citizen as Clerk of his Court, and for violation of this section he shall be subject to removal from office.

SEC. 118. No Judge of any of the Courts of this Nation shall be allowed to practice law in any of the Courts of this Nation during his official term, and the penalty for violation of this section shall be removal from office.

SEC. 119. Any Judge who shall fail to hold Court at the time prescribed by law, unless prevented by death or other circumstances beyond his control, or who shall willfully violate any other provision of this law, shall be guilty of a misdemeanor and be liable to impeachment and expulsion from office.

#### PROSECUTING ATTORNEY.

SEC. 120. The Prosecuting Attorney of each District shall be nominated by the Principal Chief and confirmed by

the National Council at the same session at which is elected the District Judge, and shall hold his office for the same term as that officer. He shall diligently examine into all cases of supposed violation of the laws of this Nation, and whenever he has reason to believe that a violation has been committed, he shall prosecute the same before the District Courts, and for each conviction he shall receive the sum of twenty-five (\$25.00) dollars, and he shall receive such other fees as shall be provided for by law. He shall also receive an annual salary of two hundred (\$200.00) dollars.

SEC. 121. If any District Attorney shall have cognizance of a violation of the national laws, and shall fail to institute the proper legal proceedings, he shall be guilty of high crime, shall be suspended from office, and upon conviction be fined not less than fifty (\$50.00) dollars and not more than one hundred (\$100.00) dollars, at the discretion of the Court. The Judge of the District Court of which the attorney shall be so charged shall select a Prosecuting Attorney of any of the other Districts of the Nation, who shall prosecute the case before him, and upon conviction shall be allowed the compensation fixed by law for convictions. Should the charge not be sustained, the Prosecuting Attorney shall be considered in office the same as if he had not been suspended. Should the charge be sustained, judgment shall be rendered in the case, and the office shall be considered vacant, and shall be filled in the same manner by the Principal Chief as other vacancies are filled. All fines accruing under this provision shall be paid into the National Treasury.

#### LIGHT HORSEMEN.

SEC. 122. The Light Horse Company shall be the police force of the district. They shall be elected on the third Tuesday in September, every two years, and installed by the District Judge. They shall serve all summons, make arrests, collect fines, and act as general bailiffs of the Court. The Captains of Light Horsemen shall receive the sum of

three hundred (\$300.00) dollars per annum, and each of the privates shall receive the sum of two hundred and seventy-five (\$275.00) dollars per annum, and they shall be allowed to appropriate to their own use all fines collected from persons violating the law prohibiting the keeping or introduction of intoxicating liquors, and such other fines as may be provided by law. But no citizen of this Nation shall be arrested at any election held in accordance with law, unless for breach of peace or violation of the law prohibiting the carrying of deadly weapons.

SEC. 123. The Light Horsemen shall collect all fines from any person who fails to obey a summons issued by the proper authority, and all fines thus collected shall be transmitted to the National Treasurer.

SEC. 124. Any Light Horseman guilty of disobeying a legal order from the Judge, either by neglect or willfully, shall be removed from office.

#### SPECIAL LAWS RELATIVE TO DISTRICT COURTS AND DISTRICT OFFICERS.

##### RELATED BY BLOOD.

SEC. 125. Any one accused of murder shall have a fair and impartial trial, and no one shall set on any case where he is related to either of the parties by blood or marriage, unless it is by consent of the parties.

SEC. 126. No Judge of any of the Courts of this Nation shall engage in the trial of any case, nor shall any Prosecuting Attorney engage in the prosecution of any cause, where either of the interested parties are blood relations of said Judge or Prosecuting Attorney within the third degree.

SEC. 127. When the Judge or Prosecuting Attorney are related as above mentioned to the parties or either of the parties interested, it shall be the duty of the Principal Chief to make *pro tem* appointments for said offices; said *pro tem* officers shall have administered to them by the regular officer the oath of office, and they shall only hold their *pro tem*

appointments during the course of the trial for which they shall have been appointed.

#### SPECIAL APPOINTMENT.

SEC. 128. District Judges, District Attorneys, Light Horsemen and other persons acting under special appointment of the Principal Chief, are hereby required to make annual reports to the National Council of all national funds coming into their hands, showing for what accounts and periods same were paid.

SEC. 129. If any officer shall be guilty of a violation of this law, it shall be the duty of any other officer of the district to report the fact to the Chief, who, if he shall be satisfied of the justice of the complaints filed, shall make an official demand of the officer so offending to make full settlement with the National Treasurer within fifteen days after notice; and if he shall fail to make settlement within the time stated, then the Principal Chief shall instruct the Judge of any adjoining district to send his Light Horse Company against the offending officer, who shall take and sell at public auction any property belonging to such officer until a sufficient amount is realized to satisfy the claim of the Nation, which amount shall be turned into the National Treasury and a receipt taken therefor. Any officer so offending shall be suspended from office for the balance of the term for which he was elected.

#### PRELIMINARY EXAMINATION.

SEC. 130. Whenever the Prosecuting Attorney is seeking evidence upon which to base criminal prosecutions, he may have parties brought before the Judge of the District and there examine them under oath.

SEC. 131. If at such preliminary examinations any party shall have testified to certain facts, and shall at the regular trial so testify as to falsify the preliminary testimony, and such falsification shall be willful, then such party shall be



guilty of perjury, and, upon conviction, shall suffer the penalty prescribed for perjury.

SEC. 132. The witnesses appearing before the Judges under the provisions of this law, shall be paid by the Nation the same amount *per diem* and mileage as are paid witnesses appearing at regular criminal prosecutions.

REPORTING SECTION 2137 REVISED STATUTES, U. S.

SEC. 133. Prosecuting Attorneys and Light Horse Captains shall report all violations of section 2137, Revised Statutes of the United States, to the United States Indian Agent, and any person licensed to trade found guilty of violating said statute, shall forfeit the license and be reported for removal from the Muskogee Nation.

RESISTING OF OFFICERS.

SEC. 134. Any person who shall resist, abuse or injure any officer of this Nation while in the discharge of his official duties, shall, upon conviction, receive for each offense not less than twenty-five nor more than one hundred lashes upon the bare back, at the discretion of the Court.

CONFINEMENT OF PRISONERS.

SEC. 135. Light Horsemen shall chain and keep prisoners under their charge in close confinement, and the Judges shall purchase the necessary chains, locks, shackles, etc., for that purpose, and issue scrip in payment for same.

ABUSE OF PRISONERS BY OFFICERS.

SEC. 136. Any officer who shall exceed his duty by abusing or injuring a citizen of this Nation shall, upon conviction, be removed from office and be compelled to pay the abused or injured party not less than twenty-five (\$25.00) dollars nor more than one hundred (\$100.00) dollars, at the discretion of the Court.

## ATTORNEYS AT LAW.

SEC. 137. Any person of good moral character, desiring to practice law before any District Court of this Nation, shall be privileged to do so by applying to one of the District Judges, who shall grant him a commission to practice law in that district, for which he shall pay the sum of ten (\$10.00) dollars; and any person of good moral character desiring to practice in all the courts of this Nation, shall be permitted to do so by making application to one of the Supreme Judges, receiving a commission and paying twenty (\$20.00) dollars for the same.

## UNFAITHFULNESS OF ATTORNEYS AT LAW.

SEC. 138. Any attorney at law who shall be found guilty of unfaithfulness or deception in any way toward his client by accepting, receiving, or agreeing to receive any fee or present from any source by which the interests of his client shall be in any way endangered, shall be silenced from the bar of this Nation and prohibited from further practice before any of the Courts thereof, and shall be fined in the penal sum of one hundred (\$100.00) dollars.

SEC. 139. The Prosecuting Attorney of each District shall prosecute all offenders against this law in his District, and shall receive in each case of conviction one-fourth of the fine so imposed, another one-fourth being paid to the Light Horse Company, who are authorized to make collection thereof; the remaining one-half being paid by the Captain of the Light Horse Company to the National Treasury.

## BOND FOR APPEARANCE IN COURT.

SEC. 140. Any citizen of this Nation who may be arraigned before the Court upon a charge of criminal offense, except murder, may be released from custody upon his giving bond for appearance and trial, in such sum as shall be determined by the Judge, with one or more sureties, who

shall state, under oath, that he or they are possessed of property to the amount of the bond over and above his or their personal liabilities; and if any person after executing bond as herein required, shall fail to appear at Court at the required time, and his sureties shall fail to cause his appearance within twenty days thereafter, then the bond shall be forfeited, and the amount collected by the Light Horsemen under the orders of the Court; and the officer collecting the bond shall receive 25 per cent. thereof for his fee, and the remainder shall be turned into the National Treasury.

#### OFFERING OF REWARDS.

SEC. 141. Where a District Judge has issued a writ in case of crime, and the officer of the District fails to make the arrest, the Judge shall offer such reward for the apprehension of the criminal as he shall deem just and effective.

## CHAPTER IV.

## CIVIL LAWS.

*Section*

- 142. Collector of debts.
- 143. Liabilities of employer.

## LIABILITIES OF BORROWERS AND HIRERS.

*Section*

- 144. When liable.
- 145. Not affecting contract.
- 146. Stallions at large.
- 147. Vacated places.
- 148. Legal fence.
- 149. Setting prairie on fire.
- 150. Setting dogs on stock.
- 151. Killing dogs.

## COLLECTOR OF DEBTS.

SECTION 142. If any person refuse to pay his or her just debts, the Light Horsemen shall proceed to collect the debt out of any effects which may be found in his or her possession.

## LIABILITIES OF EMPLOYER.

SEC. 143. If any person employ another to perform any labor or engage in any business, and his employee receive or sustain any injury while in such employment, the employer shall not be liable to any fine or punishment therefor.

## LIABILITIES OF BORROWERS AND HIRERS.

SEC. 144. The borrower of any species of property shall be liable for any and all damages and losses which may occur to such property while in his or her possession; but the hirer of such property shall not be liable for such loss or damage unless it can be proven that the loss or damage occurred through his or her neglect or ill treatment.

SEC. 145. If any person hire property according to a certain contract, this law shall not be so construed as to in any manner invalidate the same.

STALLIONS AT LARGE.

SEC. 146. No stallion over two years old shall run at large, and all such may be castrated.

VACATED PLACES.

SEC. 147. Places which have been vacated, without fencing or houses, for the term of five years, shall be liable to settlement and improvement by any person, and any one who may settle upon such places shall have all the rights to them as if they had never been occupied before.

LEGAL FENCE.

SEC. 148. No person shall receive damages for injuries done their crops by stock unless they have a fence seven rails high, staked and double-ridered; and if they have a fence as herein required, they shall be entitled to damages done their crops from the owner of the stock, the damages to be assessed by two disinterested persons.

SETTING PRAIRIE ON FIRE.

SEC. 149. If any person set the woods or prairies on fire and thereby injure another in person or property, he shall pay such damages as shall be assessed by two disinterested persons.

SETTING DOGS ON STOCK.

SEC. 150. Any person who shall set dogs on the stock of another, or in any other manner willfully abuse another's property, or the public property of this Nation, shall pay damages in full as assessed by the proper tribunal.

KILLING DOGS.

SEC. 151. Any person who shall willfully and without provocation kill the dog of another, shall be fined in a sum not less than five (\$5.00) dollars nor more than one hundred

(\$100.00) dollars, at the discretion of the Court, the fine to be collected by the Light Horsemen, who shall retain 20 per cent. thereof as their fee, and pay the balance to the owner of the dog.

## CHAPTER V.

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### MISDEMEANORS.

*Section*

- 152. Destroying pecan trees.
- 153. Setting woods or prairies on fire.

#### SELLING TIMBER.

*Section*

- 154. Prohibiting the cutting and selling of timber.
- 155. Penalty for violation of section 154.
- 156. Fencing gins.
- 157. Selling goods on Sunday.
- 158. Disturbing private families and public meetings.

#### GAMBLING.

*Section*

- 159. Games and penalty for.
- 160. Fee of Prosecuting Attorney.

#### DEADLY WEAPONS.

*Section*

- 161. Carrying firearms, where.
- 162. Fine for violation.
- 163. Neglect of Light Horse to enforce this law and fine for same.
- 164. Fine for carrying firearms, except on one's own premises.
- 165. No exemption of property from fines.
- 166. Light Horse calling citizens to their aid.

#### LIQUOR LAW.

*Section*

- 167. Introducing, etc., kinds of, penalty.
- 168. Light Horse shall search and spill, additional fine per gallon.
- 169. Neglect of duty of Light Horse, fine for.
- 170. Light Horse violating section 167 and penalty for.
- 171. Disposal of fines.

#### DAMAGING STOCK.

*Section*

- 172. Way of, fine and penalty for.

### DESTROYING PECAN TREES.

SECTION 152. Any person who shall cut down or destroy any pecan tree, for the purpose of obtaining the fruit thereof, shall be fined in the sum of twenty-five (\$25.00) dollars for each tree so cut down or destroyed; the informer to receive ten (\$10.00) dollars, and fifteen (\$15.00) dollars to be paid into the National Treasury.

## SETTING WOODS OR PRAIRIES ON FIRE.

SEC. 153. Any person who shall set the woods or prairies on fire, between the first day of September and the first day of April shall, upon conviction, be fined in the sum of twenty (\$20.00) dollars, one-half of which shall be paid to the informer, and the other half into the National Treasury.

## SELLING TIMBER.

SEC. 154. No person or persons shall be allowed to cut or sell walnut or other timber for the purpose of removing the same beyond the limits of this Nation.

SEC. 155. Any one violating this law shall be deemed guilty of misdemeanor, and, upon conviction before the District Court, shall be fined in a sum not less than one thousand (\$1,000.00) dollars nor more than five thousand (\$5,000.00) dollars, at the discretion of the Court.

## FENCING GINS.

SEC. 156. Every person owning or renting a gin, shall enclose the gin house and premises not to exceed one-half acre in size, with a substantial and secure fence, and keep the same in repair prior to and during the ginning season. Upon failure to comply with the provisions hereof within thirty days after commencing to gin, the owner of the gin shall be liable to a fine of fifty (\$50.00) dollars, and an additional fine of like amount for every twenty days thereafter until a compliance herewith is secured. All fines collected under this law shall be paid into the National Treasury, except one-fourth, which shall be retained by the officer making collection.

## SELLING GOODS ON SUNDAY.

SEC. 157. Any merchant who shall sell any goods on Sunday except medicines, and burial clothing, in case of sickness or death, shall upon conviction, be fined in the sum



of two hundred (\$200.00) dollars for the benefit of the National Treasury.

#### DISTURBING PRIVATE FAMILIES AND PUBLIC MEETINGS.

SEC. 158. Any person who shall willfully, by word or deed, disturb any private or public boarding or day school, church, council, or any other religious, political or other lawful gathering; or any private family, except those which deal in spirituous liquors, or keep houses of ill fame, or gambling houses, shall be guilty of misdemeanor, and upon conviction, shall receive fifty lashes upon the bare back.

#### GAMBLING.

SEC. 159. Any person who shall set up or keep any house or room, either public or private, for the purpose of gambling, and shall induce or permit any person to bet at any game of cards, dice or any other device which may be adopted for game of hazard, shall be deemed guilty of misdemeanor and upon conviction shall be fined in a sum not less than fifty (\$50.00) dollars nor more than one hundred (\$100.00) dollars, at the discretion of the Court. No property except improvements shall be exempt from seizure and forced sale to satisfy any judgment rendered under the same.

SEC. 160. The Prosecuting Attorney securing conviction under this law, shall receive 25 per cent. of the fine, and the balance shall be paid into the National Treasury.

#### DEADLY WEAPONS.

SEC. 161. No person except public officers engaged in the discharge of their official duties, and persons traveling or hunting stock, shall have the right to carry firearms, within one-half mile of any town, or of any political, religious or other gathering, for pleasure or profit, nor shall any one have the right to discharge firearms at random

within one-half mile of any town or gathering as above mentioned.

SEC. 162. Any one found violating this law shall be dispossessed of his weapon by the Light Horse, and be reported to the Court for prosecution, and, upon conviction, the offender shall forfeit his weapon to the officer who shall have dispossessed him of the same, and in addition thereto be fined in the sum of ten (\$10.00) dollars, one-half of which shall be paid to the person giving the information against the offender, and the balance paid into the National Treasury.

SEC. 163. Any Light Horse who shall be convicted of willful neglect of his duties in connection herewith, shall be fined in the sum of twenty-five (\$25.00) dollars, ten (\$10.00) dollars of which shall be paid to the Prosecuting Attorney securing such conviction, and the balance shall be transmitted to the National Treasury.

SEC. 164. Any person carrying concealed weapons shall, upon conviction, be fined in the sum of fifty (\$50.00) dollars; *provided*, that nothing herein contained shall be so construed as to prohibit any person from carrying or using any firearms upon his own premises.

SEC. 165. No property of any kind shall be exempt from seizure and forced sale to satisfy any judgment rendered under this law.

SEC. 166. If any Light Horseman be unable to keep the peace by being overpowered by armed men, he shall have power to call to his aid any citizen or citizens of this Nation in the enforcement of this law, and any citizen who shall refuse to render such aid, without good reason therefor, shall be fined in the sum of five (\$5.00) dollars.

#### LIQUOR LAW.

SEC. 167. No person shall introduce, keep on hand or vend any intoxicating drinks such as whiskey, brandy, wine, hard cider, Jamaica ginger, or any other beverage which contains any intoxicating matter (except to be ad-

ministered in case of sickness or for Church Sacrament), and any one violating any of the provisions of this law, shall upon conviction, be fined in a sum not less than twenty-five (\$25.00) dollars nor more than fifty (\$50.00) dollars, at the discretion of the Court, and no property shall be exempt from seizure and forced sale to satisfy any fine levied under this law.

SEC. 168. The Light Horse shall have authority to search for, and to spill all spirituous liquors that may be found in their respective districts, and all persons found with liquor in their possession, shall in addition to the fine fixed in the preceding section, be fined in the sum of four (\$4.00) dollars per each gallon thereof.

SEC. 169. Any officer who shall, on receiving information of a violation of any of the provisions of this law, refuse or neglect to prosecute the same before the proper Court shall, upon conviction, be fined in the sum of fifty (\$50.00) dollars and be dismissed from office.

SEC. 170. Any Light Horse found keeping on hand or offering to others, or found under the influence of intoxicating drinks, shall be fined in the sum of fifty (\$50.00) dollars and be dismissed from office.

SEC. 171. Of all fines collected under the provisions of this law, one-fourth shall go to the informer, one-fourth to the officer securing conviction, and the remainder shall be paid to the National Treasury.

#### DAMAGING STOCK.

SEC. 172. Any person who shall willfully kill, disfigure or wound any horse, cow, hog, or other beast or live stock belonging to any citizen of this Nation, shall be guilty of a misdemeanor, and upon conviction thereof, shall be fined in a sum double that of the damage sustained, for the benefit of the owner of such injured stock; and upon failure to pay the damage he shall suffer the penalty of twenty-five lashes on the bare back.

## CHAPTER VI.

## CRIMES.

## MURDER.

*Section*

- 173. Punishment for.
- 174. To have impartial trial—Those related to accused not allowed to sit on the case.
- 175. Accidental killing.
- 176. Murder defined.
- 177. Accessory to murder.
- 178. To aid or abet a murderer.
- 179. To kill in self-defense.
- 180. INFANTICIDE and penalty for.

## MAYHEM.

*Section*

- 181. Penalty for.
- 182. Performing labor for damages.
- 183. ATTEMPTING THE LIFE OF OFFICERS—Penalty for.
- 184. ARSON defined, and penalty for.
- 185. RAPE and penalty for.
- 186. INCEST and penalty for.

## PERJURY.

*Section*

- 187. Penalty for.
- 188. Giving false testimony to the injury of another in property.
- 189. Giving false testimony to the injury of another in person.
- 190. Attorney at law persuading others to commit perjury.

## THEFT.

*Section*

- 191. Definition, and penalty for.
- 192. Accessory to theft.
- 193. Damages to be paid for stolen property.

## STATE'S EVIDENCE.

*Section*

- 194. Of man and wife after separation.
- 195. Of accomplices in crime.
- 196. OPENING SEALED LETTERS.
- 197. FINDING PROPERTY AND FAILING TO GIVE INFORMATION OF SAME.

## TREASON.

*Section*

- 198. Secret conventions prohibited.
- 199. Petitioning foreign powers prohibited.
- 200. Attending meetings called by aliens prohibited.
- 201. Carrying treasonable messages prohibited.

## MURDER.

SECTION 173. All cases of murder shall be punishable by death, upon conviction.

SEC. 174. The accused shall have a fair and impartial trial, and no one shall sit on any case where he is related to either of the parties by blood or marriage, unless it is by the consent of the parties.

SEC. 175. If any person kill another, accidentally, or in self-defense, he shall not be punished.

SEC. 176. Any person who shall willfully and unlawfully kill another person, or kill another person who is engaged in lawful act, shall be guilty of murder, and upon conviction, shall suffer death by shooting.

SEC. 177. Any person who shall hire or persuade another to kill any person unlawfully, shall be guilty of murder, and upon conviction, shall suffer death by shooting.

SEC. 178. Any person who shall aid or abet another to unlawfully kill any person, or who shall aid or abet another to perpetrate any unlawful act whereby a person shall be killed, shall be guilty of murder, and upon conviction, shall suffer death by shooting.

SEC. 179. Where a person not engaged in unlawful act shall be in imminent danger of loss of life or bodily injury at the hands of another unlawfully, and shall, in self-defense, be forced to kill or maim such person, such killing or maiming shall not be considered unlawful.

## INFANTICIDE.

SEC. 180. It shall be unlawful for any woman to use medicine calculated to cause infanticide; and any woman who may be found guilty of the violation of this law shall receive fifty lashes on the bare back.

## MAYHEM.

SEC. 181. Any person who shall unlawfully inflict upon the body of another any injury so as to impair or disable

him, such person shall be liable to a suit for damages, and upon conviction shall be fined according to the damages or injury sustained, for the benefit of the person injured.

SEC. 182. If the offender be not able to pay the fine, he shall be required to perform an amount of work equal in value to the fine, for the benefit of the injured person; and upon failure to perform the work, shall receive fifty lashes upon the bare back.

#### ATTEMPTING THE LIFE OF OFFICERS.

SEC. 183. Any person threatening or attempting to take the life of an officer of this Nation in consequence of the discharge of his public duties, shall, upon conviction, be fined in the sum of one hundred (\$100.00) dollars, and upon failure to pay the fine, shall receive one hundred lashes upon the bare back.

#### ARSON.

SEC. 184. Any person who shall intentionally burn the dwelling house, out house, or any other building of another, without the owner's consent, shall, upon conviction, pay damages in full, and shall suffer the penalty of one hundred lashes upon the bare back.

#### RAPE.

SEC. 185. Any person who shall be convicted of the crime of rape, shall, for the first offense, receive fifty lashes upon the bare back, and for the second offense he shall suffer death by shooting.

#### INCEST.

SEC. 186. It shall be unlawful for persons who are related to each other by blood nearer than the third degree, to marry or cohabit with each other; and persons violating this law shall each, upon conviction, receive fifty lashes upon the bare back; and the Prosecuting Attorney securing the conviction, shall receive twenty-five (\$25.00) dollars.

## PERJURY.

SEC. 187. Any person swearing falsely shall, upon conviction, receive fifty lashes upon the bare back, shall be forever afterward debarred from holding any office of trust or profit in this Nation.

SEC. 188. Any person who shall give false testimony, whereby another is damaged by loss of property, shall, upon conviction, in addition to the penalty mentioned in the preceding section, pay double the amount of damages to the person sustaining such loss.

SEC. 189. Any person who shall give false testimony, whereby another suffer by punishment inflicted upon the body, shall, upon conviction, in addition to the penalties mentioned in Section 187, receive in full the same punishment which shall have been inflicted upon the party against whom he shall have sworn falsely.

SEC. 190. Any attorney at law, officer of court, or any other person guilty of procuring or advising any person to swear falsely, shall, upon conviction, be deemed guilty of perjury, and be subject to the penalties provided for perjury.

## THEFT.

SEC. 191. Any person who shall unlawfully, either by stealth or force, possess himself of the property of another, shall be guilty of theft, and shall, upon conviction, for the first offense receive fifty lashes upon the bare back; for the second offense receive one hundred lashes upon the bare back; and for the third offense shall suffer death by shooting.

SEC. 192. Any person who shall hire or persuade another to commit the crime of theft shall be deemed guilty of the offense himself, and, upon conviction, shall suffer in the same manner as if he himself had committed the offense.

SEC. 193. If any person shall steal property from another, the party thus aggrieved shall receive damages in full.

## STATE'S EVIDENCE.

SEC. 194. If an act of theft be committed by either man or wife while living together, and the fact should be disclosed by either after separation, the one disclosing shall not be punished, but the law providing for the punishment of theft shall be fully executed against the other.

SEC. 195. Any person turning state's evidence against such persons as have been guilty with him or her in the perpetration of any misdemeanor, shall not be subject to the pains and penalties provided by law for the punishment of same.

## OPENING SEALED LETTERS.

SEC. 196. Any person of this Nation who shall open any sealed letters or other sealed package of another person without authority, shall, upon conviction, be considered guilty of crime, and suffer the penalty prescribed by law in cases of theft.

FINDING PROPERTY AND FAILING TO GIVE INFORMATION  
OF SAME.

SEC. 197. Any person who shall find any property of value and fail to make proper effort to make the same known, so that the owner may be enabled to recover it, shall, upon conviction, suffer the penalty provided by law for theft.

## TREASON.

SEC. 198. All meetings and conventions, and all secret movements, having for their object the prevention of the execution of law, or the subversion of the Constitution and laws, are forbidden under the penalty of one hundred lashes on the bare back for each offense committed by every person participating therein.

SEC. 199. No person shall have the right of petitioning any foreign power upon any question, when such petition shall be in its nature, subversive of the Constitution



and laws of this Nation, under the penalty of fifty lashes upon the bare back.

SEC. 200. No person shall attend any meeting or council, called by an alien, when such meeting is intended to produce lawlessness, or is subversive of the Constitution and laws of this Nation, under penalty of fifty lashes on the bare back.

SEC. 201. No person shall carry, knowingly, any message or dispatch to forward or promote any move having a tendency to prevent the free operation of the Constitution and Laws, under penalty of a fine of fifty (\$50.00) dollars, and upon failure to pay he shall receive twenty-five lashes upon the bare back.

## CHAPTER VII.

## EDUCATIONAL.

## SCHOOL FUND.

*Section*

- 202. Amount of fund.
- 203. Exceeding of funds.
- 204. Amounts accruing annually.

## SCHOOL LAW.

*Section*

- 205. School Districts.
- 206. Kinds of schools.
- 207. Industrial schools.
- 208. Length of school term.
- 209. Number of Primary Schools.
- 210. Age of children admitted to Primary Schools.
- 211. Authority of Trustees.
- 212. Reports of Superintendents.
- 213. Bonds of Superintendents.
- 214. The position of Superintendent an office.
- 215. Pay of Superintendent and teachers.
- 216. Boarding of Superintendents.
- 217. Number of Orphan Schools.
- 218. Support of Orphan Schools.
- 219. Funds for Superintendents of Schools.
- 220. Using surplus funds.
- 221. Certificates of teachers.
- 222. Establishing of other schools by the Board.

## TEACHERS' INSTITUTE.

*Section*

- 223. A corporate body.
- 224. Sessions of.
- 225. Permission to citizens to hire teachers, etc.

## BAPTIST UNIVERSITY.

*Section*

- 226. Permission to locate.
- 227. Board of Trustees.
- 228. HARRELL INSTITUTE.

## SCHOOL FUND.

SECTION 202. The sum of seventy-six thousand four hundred and sixty-eight (\$76,468.40) dollars and forty cents shall be set apart annually as the permanent school fund of the Muskogee Nation.

SEC. 203. Never at any time, or under any circumstan-

ces, shall any appropriations be made by the National Council for educational purposes that shall exceed the amount set apart and available as school funds, nor shall any sum for any purpose or at any time be taken from the general funds for educational purposes.

SEC. 204. All increase of schools or expenditures on account of education, shall be appropriated for and paid out only of the amount of \$76,468.40 set apart as the permanent school fund of the Muskogee Nation, which sum is made up of the following sums per annum which accrue to the Muskogee Nation:

By treaty of 1826.....	\$1,710 00
By treaty of 1833.....	1,000 00
By treaty of 1856.....	10,000 00
By treaty of 1866.....	13,758 40
By treaty of 1889.....	50,000 00

## SCHOOL LAW.

SEC. 205. For educational purposes the Nation shall be divided into three Districts, to be known as First, Second and Third School Districts. The First shall embrace Muskogee and Coweta, the Second, Eufaula and Wewoka, and the Third, Okmulgee and Deep Fork Judicial Districts.

SEC. 206. The schools of this Nation shall consist of three classes, to be styled as Primary, Intermediate and High Schools. The schools heretofore known as Neighborhood schools shall be styled Primary schools; and those known as Manual Labor schools shall be styled Intermediate schools.

SEC. 207. In order to inculcate habits of industry among pupils attending the Intermediate schools, the Board may declare such schools to be Industrial or Manual Labor schools, and may, whenever deemed expedient, provide the necessary means for promoting agricultural and mechanical industries in such schools.

SEC. 208. The scholastic year shall consist of nine months of twenty days each.

SEC. 209. There shall be fifty Primary schools, apportioned between the Indian and colored citizens in proportion to population.

SEC. 210. All children under the age of eighteen and over the age of six years may be admitted into the Primary schools. Those admitted into the Intermediate and High schools shall be selected by the Board of Trustees, under rules and regulations to be prescribed by the Board of Education.

SEC. 211. The Trustees of the various schools shall manage and control the school property. They shall see that all necessary provisions are made for the care of school books, school materials, etc. They shall have authority to suspend or expel pupils for misconduct; to enforce the course of study; to visit the schools; to certify to the length of time the teachers have taught, for the information of the Board.

SEC. 212. The Superintendents of Intermediate schools shall make quarterly reports to the Board of Education, showing itemized statements of receipts and expenditures, together with itemized vouchers, and the Board of Education shall submit such statements and vouchers with their annual reports as vouchers for the expenditures on account of their operation of the school during the scholastic year.

SEC. 213. The Superintendents of the Intermediate schools shall execute bonds in sums twice the amount of any money that they or any of them may at any time receive from the Nation, said bond to be approved by the National Treasurer.

SEC. 214. The position of Superintendent of any of the schools of this Nation is hereby declared to be an office within the meaning of the laws of this Nation, and cannot be occupied by the Superintendent in connection with any other office.

SEC. 215. The Superintendents of the Intermediate and High schools shall be paid by warrant issued by the Principal Chief upon a certificate of a majority of the mem-

bers of the Board of Trustees, approved by the Board of Education. The salary of the Superintendents of the Intermediate schools shall not exceed seven hundred and fifty (\$750.00) dollars per annum; that of Assistant Teachers shall not exceed five hundred (\$500.00) dollars per annum. The salary of the Superintendents and teachers of the High schools shall be determined by the Board of Education, when such schools shall be established. The salary of Primary school teachers shall be three hundred and sixty (\$360.00) dollars per annum.

SEC. 216. The boarding of Superintendents, teachers and pupils of the Intermediate and High schools shall be done by contract with the lowest responsible bidder. The contractor shall give bond to the satisfaction of the Board of Education and approval of the Principal Chief for the faithful performance of the terms of their contract. Such contractors shall be paid quarterly by warrant from the Principal Chief, which warrant shall be issued upon the certified vouchers of the Board of Education that said contractor is entitled to pay by reason of faithful performance of the terms of his contract.

SEC. 217. There shall be two Orphan schools, one for the Indian and one for the Colored orphan children of the Nation. The Orphan schools shall be operated upon the Manual Labor and Industrial plan, and the pay of the Superintendents and teachers and the boarding of the Superintendents and teachers and inmates shall be the same as the Intermediate schools.

SEC. 218. The sum of ten thousand (\$10,000.00) dollars, annually accruing after June 30th, 1891, for the support of an Orphan school, shall be applied as follows, to wit: \$6,666.66 $\frac{2}{3}$  for the support of the Indian Orphan school, and \$3,333.33 $\frac{1}{3}$  for the support of the Colored Orphan school.

SEC. 219. All funds for the support of the schools shall be drawn direct from the Treasurer of the Muskogee Nation

by warrant of the Principal Chief, upon the requisition of the Board of Education, signed by the President and Secretary of the Board of Education, which shall be accompanied by an itemized statement showing the cause and purpose of expenditure, and the amount shall be taken from the permanent school fund set apart by act of October 16th, 1889.

SEC. 220. The Board of Education may use any surplus funds for the enlargement and benefit of those schools respectively from which such surplus shall remain, the purpose being to provide for the maintenance and education of all orphans of this Nation.

SEC. 221. No teacher shall teach in any of the schools of this Nation who does not hold a certificate regularly issued by the Board of Education.

SEC. 222. Nothing in this law shall be so construed as to prevent or prohibit any religious board or society from establishing and maintaining schools at their own expense with the consent of the Board of Education.

#### TEACHERS' INSTITUTE.

SEC. 223. The National Teachers' Institute is a regular corporate body holding its authority from the government of the Muskogee Nation. It shall be composed of all the teachers of the Primary, Intermediate and High Schools of the Nation, and shall hold an annual session, commencing on the first Tuesday in July.

SEC. 224. Each teacher of all the schools shall attend the sessions of the Teachers' Institute, and those desiring schools during the next succeeding year shall be examined by the Board of Education during its sessions.

#### PERMISSION TO CITIZENS REGARDING SCHOOLS AND TEACHERS.

SEC. 225. L. C. Perryman, G. B. Perryman J. C. Perryman and their associates, citizens of the Muskogee Nation, are given full permission to employ such teachers from the

States as they may see proper. The teachers so employed shall be confined to the teaching of the select school located at Tulsa, I. T., and owned and controlled by the above named parties.

#### BAPTIST UNIVERSITY.

SEC. 226. Permission is hereby granted to the American Baptist Home Mission Society, through the Board of Trustees hereinafter named, and to their successors, to found, establish and maintain, within the limits of the Creek Nation, and under the protection of the laws thereof, an Indian University, that shall be to the Indian Territory, as nearly as practicable, all that State Universities are to the several States in which they are located, and shall be open to the reception of students from the citizens of the Creek Nation and other Indian Tribes or Nations. There is also granted to the said University the free use of only such an amount of land as shall be needful for the carrying out of its general plans and purposes; *provided*, that whenever the said land shall cease to be used, it shall revert to the Creek Nation.

SEC. 227. The following named individuals are hereby constituted a Board of Trustees, viz:

Rev. H. L. Morehouse, D. D., Secretary of the A. B. H. M. Society.

Rev. J. S. Murrow, Missionary.

Rev. Daniel Rogers, Missionary.

Prof. A. C. Bacone, President Indian University.

Rev. Charles Journeycake, Chief of the Delawares.

Rev. James Williams, ex-Chief of the Choctaw Nation.

Rev. A. L. Lacey, Cherokee Nation.

Rev. John McIntosh, Superintendent of Public Instruction, Creek Nation.

Together with the Principal Chief of the Creek Nation.

Said Board of Trustees shall represent the American Baptist Home Mission Society and the Indian Tribes or Nations to which they respectively belong, and shall have

power to locate the said University, paying for any improvements which may be found on the ground which they select for the purpose, to hold, superintend and control all money, buildings and property belonging thereto. They shall, as soon as practicable, arrange for literary, theological and other needful departments; shall prescribe the course of study, appoint instructors and other officers; shall have the power to confer degrees, and to make appointments to its own membership, for the purpose of perpetuating its existence and promoting its efficiency. All its acts shall be subject to the approval of the Executive Board of the American Baptist Home Mission Society, so long as the University derives any of its support from the said Society; and shall be subject to the approval of the Muskogee Nation regarding appointments of said Nation's representatives on said Board.

*October 29th, 1881.*

#### HARRELL INTERNATIONAL INSTITUTE.

SEC. 228. Permission is hereby granted "to the Harrell International Institute" to hold its sessions within the limits of the Muskogee Nation, at any point not less than one-half mile from the Muskogee depot, that will not interfere with the rights and privileges of any citizen of the Muskogee Nation; and the trustees of the Institute are hereby empowered to select a piece of ground, under the above conditions, not exceeding three acres, and erect thereon, for the use of the said Institute, suitable buildings and improvements; *providing, however,* that said buildings and improvements are to révert to the Muskogee Nation whenever they are vacated by the said Institute, or whenever said institute, through its officers, shall violate the intercourse laws between the Muskogee Nation and the Government of the United States, or the laws and statutes of the Muskogee Government; *and providing, further,* that no appointment of Trustees to said Institute shall be consummated until such appointment is confirmed by this Government. Said Trustees shall make annual re-



ports to this body, stating the number of pupils, and such other matters as may be considered of importance to the Muskogee people; *and provided, further*, that said Institute shall be subject to any future changes, in relation to its government, that the Government of the Muskogee Nation may deem proper to impose.

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## CHAPTER VIII.

## LAW GOVERNING ELECTIONS.

SECTION 229. The election of the First and Second Chief and members of the National Council shall take place on the first Tuesday in September, and shall be conducted in the following manner:

1. Each Town shall convene on the day specified.
2. The members of the National Council shall be judges of election in their respective Towns; but in the event of their disability by reason of sickness, etc., the Town Chief shall be judge.
3. The election rolls shall be closed and sealed when the day of election has ended.
4. Before the roll has been sealed, a duplicate of the same shall be taken and retained by the Town Chief.
5. The sealed copy of the roll shall be forwarded to the President of the House of Kings.
6. The rolls shall be opened at the meeting of the Annual National Council by a committee appointed by the Council, and the duplicate roll left in the hands of the Town Chief shall be compared with the same.
7. The said committee shall count the votes.
8. When the votes have been counted and the result ascertained, it shall be declared and promulgated by the Principal Chief by proclamation.
9. All officers elected under the foregoing laws shall enter upon the duties of their offices on the fifth day of December following.

## RULES GOVERNING THE OPENING AND COUNTING OF ELECTION RETURNS FOR THE PRINCIPAL AND SECOND CHIEF.

RULE 1. In opening and counting the votes a strict observance of law pertaining thereto shall be observed.

**RULE 2.** The order of count shall be as follows, to wit:

1. All returns which are in due form, with proper certificates thereto, and to which no well founded objections shall be made, shall be counted first.

2. All returns to which objections may have been raised on account of not having been in due form, or proper certificates attached thereto, or voting under age, or when non-citizens may have voted, or for other well founded causes, shall next be taken up, examined and determined upon.

3. Where it is shown that any persons voted by proxy, or voted when not residing within the limits of the Muskegee Nation, such votes shall not be counted.

4. Where there is established well founded proof of corruption or intimidation at the polls, such returns shall be rejected.

5. Where returns may be informal, and it can be clearly shown that the intention of all the voters was to conform to the provisions of the law, such returns shall be counted.

6. Where testimony on any return presented by the members of the House of Kings and the members of the House of Warriors, to which objections have been raised, said testimony of either members shall have equal weight.

7. All votes found on the returns that shall be proven to have been inserted at places other than the appointed precincts, and where it is proven that persons voted at more than one precinct, such votes shall be stricken out.

8. Where names have been enrolled without the presence of the persons enrolled, such names shall be rejected.

## CHAPTER IX.

## IMPEACHMENT.

*Section*

- 230. Charges, where preferred.
- 231. Appointment of committee.
- 232. Conducting of trial.
- 233. Notifying accused
- 234. Disposal of—Articles of impeachment.
- 235. Attendance of witnesses.
- 236. Presiding officer in trials of impeachment.

SECTION 230. When charges of high crimes or misdemeanors are to be preferred against an officer of this Nation, such charges shall be preferred before the House of Warriors, and that House shall vote as to whether articles of impeachment shall be filed.

SEC. 231. If two-thirds of the members voting, vote for impeachment, then the House shall appoint a committee of seven, composed of its own members, which committee shall prepare the articles and submit the same to the House.

SEC. 232. If the articles as submitted by the committee are agreed upon, then the House shall select a committee of seven of its own members, who shall constitute a Board of Managers, and shall conduct the trial of the accused before the House of Kings.

SEC. 233. When articles of impeachment shall have been filed against an officer of the Muskogee Nation, the accused shall be furnished with a copy of the articles, and shall be given timely notice of the trial, so that he may be enabled to make preparation for the same.

SEC. 234. All articles of impeachment which shall arise in the House of Warriors, shall be decided in the House of Kings, and the members of the House of Kings, before proceeding to trial, shall be sworn by one of the Judges of the Supreme Court, to decide the case before them according

to the testimony, the principles of justice, and without prejudice.

SEC. 235. The House of Kings, while acting as judges on a trial of impeachment, shall have authority to cite before them and compel the attendance of any citizen of the Muskogee Nation whose testimony they may desire; and they are hereby authorized to use any means which may be necessary in order to arrive at all the facts in the case.

SEC. 236. In all trials of impeachment, the President of the House of Kings shall preside and conduct the proceedings of the same.

## CHAPTER X.

## REGULATING BONDS OF OFFICERS.

*Section*

237. What officers shall give bond.  
 238. Number of sureties.  
 239. Duties of sureties.  
 240. Value of bond.  
 241. Second security.  
 242. Default of officer.  
 243. Suing defaulting officer.

SECTION 237. The officers hereinafter named shall before entering upon the duties of their respective offices, file bonds in the penal sums and with security hereinafter specified, to be approved by the Principal Chief:

The National Treasurer in the sum of.....	\$80,000.00
The License Tax Collector in the sum of.....	5,000.00
The Prosecuting Attornies in the sum of .....	1,000.00
The Captains of Light Horse in the sum of...	1,000.00

SEC. 238. Every officer filing a bond shall have not less than two sureties.

SEC. 239. Every person signing a bond as surety shall make a written list of his property which shall be free from exemption, liens, mortgages or encumbrances of any kind whatsoever; such list shall specifically state the description of the property, and if stock animals, the kinds and number thereof and where located, and the market cash value of the same shall be stated as near as can be ascertained; and from the gross total value thereof shall be deducted the amount of signer's debts, if any. The person signing as surety shall make oath to the correctness of the list of the property before a court or person authorized by law to administer oaths, and said list, schedule or statement duly verified as required by this section, shall be attached to the bond and be made a part thereof.

SEC. 240. No bond as herein required shall be accepted

by the Principal Chief unless the total actual pecuniary worth of the sureties signing as such shall amount to the full sum named in the bond.

SEC. 241. The Principal Chief shall require additional security to be given when the first security is impaired by reason of the failure or diminished pecuniary responsibility of any person on the bond of any officer.

SEC. 242. If any bonded officer shall fail to make an accounting as required by law, or shall be in default to the Nation in any sum of money, the Principal Chief shall declare such officer's bond forfeited, and such declaration by the Chief shall have the force and effect of a lien upon all the property of the said bonded officer and upon all the property of his sureties until the money or property due the Nation from such officer shall be paid to the Principal Chief for the use and benefit of the Muskogee Nation.

SEC. 243. Whenever any officer's bond shall be declared forfeited, the Principal Chief shall, in the name of the Muskogee Nation, forthwith cause suit at law to be instituted before the Supreme Court against all the parties making said bond for the purpose of recovering the sum or sums of money or property found to be due, owing or belonging to the Nation.

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## CHAPTER XI.

## SALARIES OF OFFICERS.

*Section***244.** Salaries, how much.**245.** Salaries, when paid.

## SECTION 244.

	<i>Per Annum</i>
Principal Chief .....	\$1,200.00
Second Chief .....	700.00
Treasurer .....	600.00
Auditor .....	600.00
Supreme Judge ...	200.00
District Judge .....	400.00
Prosecuting Attorney.....	200.00

And twenty-five (\$25.00) dollars for each conviction.

License Tax Collector, 15% of amount collected.

Live Stock Inspector, 50% of amount collected.

Members of the Board of Education ..... 600.00

Superintendent of Schools, not more than ..... 750.00

School Teachers (term of nine months)..... 360.00

Private Secretary ..... 400.00 |

Captain of Light Horse..... 300.00

Private, Light Horse ..... 275.00 |

Janitor of Capitol ..... 150.00 |

National Interpreter..... 25.00

Members of National Council, \$4.00 per day and 20 cents per mile each way.

Clerks of National Council, \$4.00 per day and 20 cents per mile each way.

Interpreters of National Council, \$4.00 per day and 20 cents per mile each way.

Clerks of Committees, \$3.00 per day.

Clerk of the Supreme Court, \$4.00 per day and 20 cents per mile each way.

Jurors in criminal cases, \$1.00 per day and 20 cents per mile each way.

Jurors in civil cases, \$1.00 per day.

Witnesses in criminal cases, \$1.00 per day and 20 cents per mile each way.

Witnesses in civil cases, \$1.00 per day.



International delegates, \$3.00 per day and 10 cents per mile each way.

National delegates, optional with the National Council.

National Translator, \$3.00 per day during sessions of Council, and for ten days thereafter.

Caller of the Supreme Court, \$2.50 per day and 20 cents per mile each way.

Clerks of the District Courts, \$3.00 per day.

SEC. 245. All standing officers of the Muskogee Nation shall be paid quarterly, and the Principal Chief shall issue warrants to them at the end of each quarter.

## CHAPTER XII.

## LICENSE LAW.

*Section*

- 246. Who are to pay taxes—Rates on merchants.
- 247. Refusal to pay tax.
- 248. Report of collector.
- 249. Expense and fee of collector.
- 250. Appointment of deputies.
- 251. Assessment by the Chief.

SECTION 246. All persons who are not citizens by blood of the Muskogee Nation or Seminole Nation, or who have not been adopted by the Muskogee Nation, and whose names do not appear upon the authenticated citizenship rolls of the Muskogee Nation, who shall desire to engage in business in the Muskogee Nation, shall, before doing so, obtain from the United States Government license for that purpose; and all persons so licensed shall pay to the National Tax Collector, for the benefit of the Muskogee Nation, the annual tax hereinafter fixed, the same to be paid quarterly, in advance, on the first day of each quarter, beginning January, April, July and October of each year.

All legitimate business houses of whatsoever capacity or character, engaged in the sale of all manner of dry goods, provisions, hardware, lumber, drugs or any other article or articles known or designated as merchandise shall pay an annual tax of one-half of 1 per cent. of the first cost of all goods or merchandise introduced into the Nation for trade, to be ascertained by personal inspection by the Tax Collector of the original invoices of purchase.

The rate of taxation on all other classes of business shall be as follows:

	<i>Per Annum</i>
On each dealer in hides, peltry, furs, wool, pecans and other country produce.....	\$ 50 00
On hotels affording accommodation for fifty or more guests.....	150 00

On hotels affording accommodation for forty or more guests.....	75 00
On hotels affording accommodation for thirty or more guests.....	60 00
On hotels accommodating twenty or more guests...	40 00
On hotels accommodating ten or less guests.....	24 00
On each printing office.....	50 00
On each grist and flouring mill.....	50 00
On each mill and cotton gin combined.....	50 00
On each cotton gin alone.....	24 00
On each grist mill alone.....	24 00
On each livery and feed stable.....	50 00
On each feed stable.....	24 00
On each dray or freight wagon or passenger hack, other than those run by livery stables paying tax as such.....	12 00
On each saddlery and harness establishment and boot and shoe shop.....	24 00
On each blacksmith and wagon shop.....	24 00
On each furniture, cabinet or work shop selling its own manufactures.....	24 00
On each insurance agent (life or fire).....	50 00
On each banking establishment one-half of 1 per cent. of capital stock invested—assessment to be made on the bank on account of the shares thereof.	
On each physician or surgeon with certificate from the National Medical Board.....	25 00
On each dentist having diploma.....	25 00
On each contractor and builder.....	25 00
On each contracting painter, brick or stone mason..	24 00
On each permanently established photograph gallery.....	50 00
On each butcher shop selling meats only.....	50 00
On each lunch stand and restaurant.....	24 00
On each saw mill and planer.....	25 00
On each jewelry establishment.....	24 00
On each laundry .....	24 00
On each barber shop, one chair.....	12 00
And for each additional chair.....	6 00
On each tin shop doing custom work only.....	24 00
On each tailoring establishment.....	24 00
On each dressmaking and millinery establishment..	24 00
On each bakery and confectionery.....	25 00
On each lemonade and ice cream stand.....	12 00
On each undertaking establishment.....	50 00

On each gunsmith .....	12 00
On each lawyer .....	25 00
On each tombstone and marble dealer.....	25 00
On each milk dairy.....	25 00
On each shooting gallery.....	12 00
On each billiard and pool hall .....	50 00
On each revolving swing and merry-go-round.....	24 00
On each peddler selling musical instruments, books and ornamental trees and shrubs, per month .....	2 00
On all other peddlers 5 per cent. of goods intro- duced for sale.	
On each menagerie and circus combined, per day..	25 00
On each circus without menagerie, per day .....	10 00
On each concert in hall or tent, per day.....	5 00
On each traveling photographer, per week.....	1 00

SEC. 247. If any person engaged in any of the classes of business enumerated above refuse to pay the tax, he shall be reported to the United States Indian Agent by the Tax Collector for the enforcement of this law.

SEC. 248. The Collector shall make a full and detailed report of his office to the National Treasurer within thirty days after the beginning of each quarter. The report shall show from whom and for what accounts taxes have been collected, together with other information necessary for the Council to know. His report shall also be accompanied by the full amount of all taxes collected, less his fees hereinafter specified.

SEC. 249. All the expense of making collections, keeping records, and making reports shall be borne by the Tax Collector, in consideration of which he shall be entitled to and shall retain for his personal fee 15% of all monies collected.

SEC. 250. The Tax Collector shall have the right to appoint deputies to assist him in making collections; *provided*, that he shall pay all such deputies out of his per cent as herein above specified.

SEC. 251. All classes of business now in operation or which may hereafter be established in this Nation not in-

cluded in the above list shall be assessed by the Principal Chief, subject to the approval of the United States Indian Agent.

Approved March 23d, 1893.

L. C. PERRYMAN, Principal Chief, M. N.

Approved March 27th, 1893.

LEO E. BENNETT, U. S. Indian Agent.

## CHAPTER XIII.

## EXEMPTION.

*Section*

- 252. Amount exempt of unmarried person.
- 253. Amount exempt of married person.
- 254. Exemption of improvements.
- 255. List of exempted property.
- 256. Swearing to such list.

SECTION 252. The personal property of any citizen of this Nation who is not married, or the head of a family, in specific articles to be selected by such citizen, not exceeding in value the sum of two hundred (\$200.00) dollars, in addition to his or her wearing apparel, shall be exempt from seizure on attachment, or sale on execution, or other process from any court, issued for the collection of any debt by contract; *provided*, that no property shall be exempt for debts contracted for the purchase money therefor, while in the hands of the vendee.

SEC. 253. The personal property of any citizen of this Nation who is married, or the head of a family, in specific articles to be selected by such citizen, not exceeding in value the sum of five hundred (\$500.00) dollars, in addition to his or her wearing apparel, and that of his or her family; and also all household or kitchen furniture or fixtures, and all agricultural, horticultural and general farming implements, shall be exempt from seizure on attachment, or sale on execution, or other process from any court, on debt by contract.

SEC. 254. It shall not be lawful to levy upon and sell, under any execution or decree of any court, any improvement upon the public lands to satisfy any debt by contract.

SEC. 255. The defendant in any execution in the hands of an officer to be levied shall make out under oath a list of the property he shall claim to be exempted, and deliver the

same to such officer, who shall immediately release such property and return the same to the party defendant, or his lawful agent, and shall return such list of property of the party claimed as exempt with the execution.

SEC. 256. The officer having such execution shall have power to swear the party to said list, or the same may be sworn to before any officer authorized by law to administer oaths.

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## CHAPTER XIV.

## WILLS AND ADMINISTRATION.

## WILLS.

## Section

- 257. Valid wills.
- 258. Unrecognized offspring.
- 259. Claims against estate.

## ADMINISTRATION.

## Section

- 260. Granting letters of administration.
- 261. Valuing estate.
- 262. Duties of administrator.
- 263. Default of administrator.
- 264. Appointment of administrator or administratrix.
- 265. Preference of administrator.
- 266. Fee of administrator.
- 267. Inheritance of wife and children.
- 268. Property exempt from debts.
- 269. Solvent estate.

## WILLS.

SECTION 257. The last will and testament of any deceased person shall be valid; and if any person shall die without having made a will, not having had the opportunity to do so, and it can be established by two respectable witnesses that the deceased did, prior to his death, express verbally the manner in which he desired his property to be disposed of, such nuncupative will shall be valid. No will shall be valid unless the testator shall have been in his or her proper mind and such fact testified to by two respectable witnesses; *provided*, that no will shall be valid when it is proven that it was made to avoid the payment of just debts.

SEC. 258. If any person claim to be the child of a deceased male person, and it should be proven that such person did not, during life, recognize the claimant as his offspring, then such claimant shall not be entitled to any share in the estate of the deceased.

SEC. 259. No person shall bring any claim against a deceased person without two respectable witnesses who shall



have been present at the time the debt was created, or unless such claimant shall hold a written obligation. In either case where the deceased has property, it shall be collected, otherwise the debt shall not be good.

#### ADMINISTRATION.

SEC. 260. If any male citizen die without having made a will, the Judge of the District wherein such deceased person resided shall grant letters of administration to any citizen of this Nation who may request it, and such person shall be required to give bond in double the value of such estate, with at least two good sureties, each of whom shall also own property equal to twice the value of such estate.

SEC. 261. All estates of deceased persons shall be valued by the Judge and two disinterested persons.

SEC. 262. The administrator shall at all times be required to make and provide liberal means for the support and education of all heirs of the deceased, to make any trade that may be of advantage to such estate, and to advise and direct the affairs of such heirs until they shall have become of age, according to law, or until such heirs shall marry, in which event the administrator shall turn over to such heirs of his or her inheritance everything connected with the estate that may have been placed in his care, or its equivalent in money or other property.

SEC. 263. If an administrator, when required to do so, fails to turn over everything connected with an estate of which he shall have charge, or its equivalent in money or other property, the proper authority shall seize the goods or property of his sureties, and appropriate therefrom a sufficient amount to make up any deficiency that may occur in the value of the estate; and if any person shall sign a bond as surety, and afterwards die, the estate of such surety shall in all cases be held responsible.

SEC. 264. If no person shall ask letters of administration, the Judge shall appoint a suitable person who, upon

giving sufficient bond and security, shall act as administrator.

SEC. 265. In case of the death of a female, if there be a husband and children living, he shall have the preference of administratorship, and in the event of there being no children living the nearest relative shall have the preference.

SEC. 266. The administrator or administratrix of an estate shall be entitled to 25% of every dollar's worth of such estate that may be rendered at the expiration of such administration.

SEC. 267. The lawful or acknowledged wife of a deceased husband shall be entitled to one-half of the estate, if there are no children, and a child's part, if there should be children, in all cases where there is *no will*. The husband surviving shall inherit of deceased wife in like manner.

SEC. 268. The homestead and kitchen furniture, one work horse, one cow and calf, and one breeding sow, shall be exempt from seizure or force sale for any debt against the estate.

SEC. 269. Provided that an estate is solvent, the administrator shall settle up and cancel all debts and accounts against the estate out of the estate's effects.

## CHAPTER XV.

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### LIABILITIES OF THE MUSKOGEE NATIONAL GOVERNMENT.

*Section*

270. What debts shall be paid.

271. Not to affect personal debts.

272. Resolution of Council in regard to Levering Mission, and claims of A. H. M. Board as represented by Dr. Tichnor.

SECTION 270. The Government of the Muskogee Nation shall not be liable for any debts incurred by its citizens, collectively or individually, during the late war, or between that period and the time of the treaty of peace at Ft. Smith, September 13th, 1865, but all debts contracted by the Nation since the latter date shall be paid out of the National Treasury.

SEC. 271. This law shall not be so construed as to in any manner, affect personal debts or settlements.

SEC. 272. *Resolved*, That it is the sense of the National Council of the Muskogee Nation, *that* the Muskogee Nation is not liable for the cattle, work stock, furniture and other articles alleged to have been furnished the Levering Manual School by the Home Mission Board of the Southern Baptist Convention, but that said property for which the said Board asks pay in the sum of three thousand (\$3,000.00) dollars is the lawful property of the Muskogee Nation, the same having been purchased from time to time with national funds and donated by various missionary and other charitable organizations in the states for the use and benefit of said schools.

Limitation, October, 1891.

## CHAPTER XVI.

## TOWNS.

SECTION 273. No town or towns of this Nation shall be permitted to divide and form two or more towns, nor shall any number of citizens at any time assemble and form a new town, without the consent of the entire Muskogee Nation.

## UNION OF TOWNS.

WEOGUFKE TOWN, I. T., July 23d, 1891.

*To the Hon. National Council.*

GENTLEMEN:—At a meeting held at the public square in the above named town, on this day the Weogufke and Wococoye Towns united and formed themselves into one town, to be known as the Weogufke Town. The citizens of both towns have mutually agreed to this union, and they respectfully request the National Council to approve the same.

WILEY SMITH, *Chairman.*

Approved October 12th, 1891.

OKMULGEE, M. N., October 20th, 1890.

*To the National Council of the Muskogee Nation.*

GENTLEMEN:—We, the Kings and Warriors of the Tuskegee Canadian and Tuskegee Arkansas Towns have duly considered the subject, and mutually agreed to unite and blend the same into one single town under the name of Tuskegee Town, with representation hereafter as such in the National Council, and hereby respectfully ask your approval of the same.

We are very respectfully your obedient servants,

EDMUND HARRY,  
PARHOSE HARJO PHILLIPS,  
ROLEY MCINTOSH,  
DAVID HARRY,  
GEORGE MCGILBRA,  
FRANK HENRY.

Approved October 22d, 1890.

## CHAPTER XVII.

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### PUBLIC HIGHWAYS.

#### WORK ON ROADS.

*Section*

274. Call of the District Judge.

#### FENCING ROADS.

*Section*

275. Prohibiting fencing.

276. Penalty for obstructing the public road.

### WORK ON ROADS.

SECTION 274. All male citizens over the age of eighteen years, shall at the call of the District Judge, without good reason for neglect, work on the public roads or pay for the benefit of those working, the sum of one (\$1.00) dollar per day during the time in which such work is being done in the District. The District Judge shall have collected all sums due in accordance with this law.

### FENCING ROADS.

SEC. 275. No person shall fence up any of the recognized public roads or highways without first cutting out and establishing a good road as near as practicable to the original road, and of such width as to allow wagons to pass each other with ease. Any fence erected in violation of this law shall be removed by the Light Horsemen.

SEC. 276. Any person obstructing the public highway by felling trees across the same, or otherwise, shall be fined in the sum of five (\$5.00) dollars, which shall be collected and paid to those working roads in accordance with law.

## CHAPTER XVIII.

## CARE OF CAPITOL AND GROUNDS.

*Section*

- 277. Penalty for injuring Capitol, etc.
- 278. Trespassing in the Capitol.
- 279. Fine for damage done.
- 280. Collection of fines, etc.
- 281. Election and salary of Janitor.
- 282. Report of Janitor.
- 283. Nativity and duties of Janitor.
- 284. When the Capitol shall be opened.
- 285. Fine for dancing in Capitol.
- 286. Appointment of Capitol Committee.
- 287. Permission of Committee.
- 288. Disposal of fines.
- 289. Duty of Prosecuting Attorney.
- 290. Report of persons damaging, etc.
- 291. Building pastures prohibited within one-half mile of Capitol.

SECTION 277. Any person willfully injuring or defacing the Capitol or the furniture or other appurtenances or unlawfully trespassing upon the premises, shall be punished by fine, and in case of failure to pay fine, shall be whipped.

SEC. 278. Entering the Capitol at any time, or being found therein at any time when the building is not open for public admission, shall be deemed a trespass, and any person so trespassing shall pay a fine of not less than two dollars and fifty cents ( \$2.50 ) nor more than twenty-five ( \$25.00 ) dollars.

SEC. 279. When unlawful damage or injury shall have been done, the person guilty thereof shall be fined an amount to cover the cost of the damage or injury done.

SEC. 280. All fines accruing under this law shall be paid immediately. If not paid in six hours, then the Court shall order the Light Horse of the District to levy upon sufficient property of the convicted person, and sell the same according to law, and pay the amount of judgment into the National Treasury; *provided, however*, that if the offender within six hours give solvent bond for the amount of judg-

ment, to be collected within thirty days, the Judge may suspend execution for that length of time; but if at the end of thirty days payment has not been made, then execution shall immediately issue, first upon the property of the offender, and, if sufficient property cannot there be had, then upon the property of the bondsman.

SEC. 281. A janitor shall be elected by each session of the National Council to serve the ensuing year, and he shall receive the sum of one hundred and fifty (\$150.00) dollars per annum. He shall be liable to suspension or removal from office, by the Principal Chief, for neglect of duty as herein prescribed.

SEC. 282. The janitor shall make report to the National Council of the amount of fuel purchased by him for the use of the National Council, three days before the adjournment of each session thereof.

SEC. 283. The janitor shall be a citizen of the Creek Nation; he shall inspect the Capitol not less than once a week, and during the intervals between the sessions of the National Council he shall keep the windows and doors locked, except when the building is in use, or when he is ventilating the same, which he shall do as often as is necessary, and not less than once a month.

SEC. 284. The janitor shall open the building for religious services during the sessions of Council, and shall attend the sessions of the Teachers' Institute, and all public meetings of the citizens held at the Capitol. The Capitol may be used for meetings of commissions of a national character, conventions, Teachers' Institute, and during the sessions of the National Council the main halls may be used for religious meetings, as may be permitted by the Council.

SEC. 285. No dancing shall be allowed within the walls of the Capitol, and any person found guilty of violating this provision shall be fined in the sum of one hundred (\$100.00) dollars; said sum to be collected by the Light Horsemen of

the Okmulgee District and transmitted to the National Treasurer, to be placed with the general funds.

SEC. 286. The Principal Chief shall appoint three citizens of Okmulgee and vicinity as a committee, without compensation, to suggest to the Janitor such attention to the Capitol grounds as may be necessary, and not specially named in this law; but this provision shall not be construed so as to authorize any expenditure of money on account of the Capitol and grounds not provided for by the National Council.

SEC. 287. The committee herein provided for may permit the use of the Capitol for lectures of useful instruction and moral character.

SEC. 288. All monies paid into the National Treasury from fines accruing under this law, and from the rent of the halls of the Capitol, shall constitute a fund for the use of the Capitol grounds.

SEC. 289. It shall be the duty of the Prosecuting Attorney of the Okmulgee District to prosecute for all the offenses herein named.

SEC. 290. The Janitor shall report all persons damaging any part of the building, furniture and appurtenances, making specification of the articles damaged or injured, together with cost of same.

SEC. 291. No person shall be allowed to enclose land for pasture or fields within one-half mile from the National Capitol building; and any person found guilty of violating this provision shall be punished by a fine of one thousand (\$1,000.00) dollars. All such fines shall be collected by the Captain of the Light Horse of Okmulgee District, and turned over to the National Treasurer.



## CHAPTER XIX.

## CENSUS.

*Section*

292. Where wife and children shall be counted.

293. Enrollment of non-citizen.

SECTION 292. In all the enumerations of the Muskogee people, the wife and children shall be counted in the town wherein the husband is counted; *provided*, however, that nothing in this section shall be construed so as to deprive any town of its rightful members.

SEC. 293. If it shall appear upon a fair investigation that any non-citizen has been enrolled as a citizen, and in consequence thereof has received money or its equivalent from the Muskogee Nation, the Kings and Warriors of the town wherein such non-citizen has been counted shall be liable to the Muskogee Nation for the amount paid to such non-citizen.

## CHAPTER XX.

## PERSONS TO WHOM CITIZENSHIP HAS BEEN GRANTED.

SECTION 294. The following persons are hereby declared full citizens of the Muskogee or Creek Nation, and they shall be subject to the Creek laws, and shall have all the rights, privileges and immunities of the original members of the tribe:

Robert Childers,	Daniel Childers,	James Childers,
Napoleon Childers,	Josephine Childers,	Louis Childers,
Joe McGilbra,	Fannie McGilbra,	Mariah McGilbra,
Harriet McGilbra,	Jim McGilbra,	Sarah McGilbra,
Julie McGilbra,	Luke McGilbra,	Patsey McGilbra,
Dollie McGilbra,	Nero McGilbra,	Robert McGilbra,
Lizzie McGilbra,	Eliza McGilbra,	Billy McGilbra,
Ben McGilbra,	Jack McGilbra,	Nancy McGilbra,
Lizzie McGilbra,	Amy McGilbra,	Thomas McGilbra,
James McGilbra,	Keziah McGilbra,	Betty McGilbra,
Jimmy McGilbra,	Suzki McGilbra,	Juda McGilbra,
Monday McGilbra,	Jake McGilbra,	Tinne McGilbra,
Steven McGilbra,	Joe McGilbra,	Israel McGilbra,
Cinthia McGilbra,	Jimmie McGilbra,	Mollie McGilbra,
Cookie McGilbra,	Vircie McGilbra,	Quash McGilbra,
Abe McGilbra,	Lany McGilbra,	Rina McGilbra,
Rosa McGilbra,	Lizzie McGilbra,	Jimmie McGilbra,
Philisa McGilbra,	Maria McGilbra,	Rentie McGilbra,
Susie McGilbra,	Henderson McGilbra,	Marye McGilbra,
George McGilbra, Sr.	George McGilbra, Jr.	William McGilbra,
Green McGilbra,	York McGilbra,	John McGilbra,
Darkis McGilbra and four children,	Anna McGilbra and one child,	
Old Sutum,	Morris Sancho,	Mary Ann Bittle,
James Hawkins,	Lizzie Hawkins,	Abb Nivens,
Jacob Barret,	Sandy Straws,	Old Man Dean,
Nancy Dean,	Elias Dean,	Pina Perryman,
Edward Johnson,	Caroline McIntosh,	Fannie McIntosh,
Calter McIntosh,	Warrior McIntosh,	Peggy McIntosh,
Robert Drew,	Marron Drew,	Annie Drew,
James Drew,	Samuel Drew,	Alex Drew,
Racey Drew,	Bill Drew,	Johnson Drew,
Celia Drew,	Nellie Drew,	Dick Drew,

David Drew,  
Nina Grayson,  
Delsey Grayson,  
Savier Grayson,  
Josh Grayson,  
Sandy Grayson,  
Samuel Grayson,  
Luveney Grayson,  
Valintia Grayson,  
Alice Grayson,  
Judia Grayson,  
Leah Grayson,  
Amanda Grayson,  
Mitchell Grayson.

Peter Drew,  
Diana Grayson,  
Hannah Grayson,  
Mary Grayson,  
Michiel Grayson,  
Fanny Grayson,  
Jack Grayson,  
Benton Grayson,  
Rachel Grayson,  
Lizzie Grayson,  
Morris Grayson,  
Celia Grayson,  
Sharper Grayson,

Dick Grayson,  
Richard Grayson,  
Moses Grayson,  
Marianna Grayson,  
Dolly Grayson,  
James Boy Grayson,  
Aaron Grayson,  
Daniel Grayson,  
Menervia Grayson,  
Tilly Grayson,  
Joe Grayson,  
Abram Grayson,  
Pennany Grayson,

*Approved 1867.*

**Muchar Hardage.** *Adopted October 30, 1883.*

Mike McIntosh,  
Sims Hawkins,

**Hagar Hawkins,**  
Minnie Hawkins,

Silvia Hawkins,  
Jack Hawkins,

*Adopted October 23, 1885.*

**Marie E. Smith,**

**Mary A. Crosby and their offspring.**

*Adopted October 22, 1889.*

Birdie Vauns,  
W. M. Oswalt,  
Mary Vauns,

Babie Vauns,  
George Vauns,  
John C. Barber,

M. W. Oswalt,  
Joseph Vauns,  
Robert T. Barber,

*Adopted October 30, 1889.*

**Richard Atkins,** *Adopted October 21, 1890.*

Johnson Hodge,  
Laura Hodge,  
Lila Hodge,  
Lulu Hodge,  
Virginia Hodge,

Effie Hodge,  
Nettie Hodge,  
Marshall Hodge,  
Johnson F. Hodge,  
Green F. Hodge,

Betsey Hodge,  
Maggie Hodge,  
Horace Hodge,  
Lela Hodge,  
Mary Hodge,

*Adopted October 28, 1890.*

**COWETA TOWN.**

Mrs. M. L. Taylor,  
Frank Aultman,  
James Aultman,

Willie Taylor,  
Ben Aultman,  
Muskogee Aultman.

Royal Taylor,  
Leona Aultman,

**THLOBTHLOCCO TOWN.**

Barney Dubois,  
Alice Smith,

Mildred Dubois,  
Grace Smith.

Elizabeth Dubois, :

**CUSSETA TOWN.**

Mrs. Mary Price,  
Leila Price.  
Oscar Price.

Ida Price,  
Owen Price,

Chippy Price,  
Bennie Price,

**HICKORY GROUND TOWN.**

Mrs. Millie Minter,

Mark Minter,

Harry Minter,

Rupert Minter,  
Mrs. Mattie Horn,  
Mattie E. Horn,  
W. S. Harmon,

John Minter,  
Mollie W. Horn,  
A. B. Harmon,  
D. H. Harmon.

Douglas Minter,  
Minnie E. Horn,  
B. J. Harmon,

## CANADIAN COLORED TOWN.

R. C. Munro.

## NORTH FORK COLORED TOWN.

Tommy Grayson,  
Columbus Bruner,

Polly Bruner,  
Rose Bruner.

Jesse Bruner,

## TUSKEGEE TOWN.

Mrs. Josephine Bruner,  
Lloyd C. Freeman,  
Levitia Mamie Freeman,  
Theodore O. Freeman,  
Lynne Sidney Freeman,  
Estelle Elizabeth Freeman.

Joseph Leroy Freeman,  
Emma Josephine Freeman,  
Burdette Howell Freeman,  
Carlyle Dewitt Freeman,  
Ella Blanche Freeman,

## BROKEN ARROW TOWN.

G. W. Berryhill,  
Martha Lee Kiefer,  
Joan Shelby Berryhill,  
Theodora Berryhill,  
Jesse Berryhill,  
Ella Berryhill,  
Benjamin Franklin Berryhill,  
Mamie Isabel Berryhill,  
Ida Estelle Berryhill,  
A. J. Berryhill,  
Zera Lloyd Berryhill,  
Mary Ann Berryhill,  
John Pleasant Berryhill,  
Cora Frances Berryhill,  
Littleton Berryhill,  
E. B. Rickets,  
M. A. Rickets,  
M. O. Rickets,

Stanford Berryhill,  
Columbus Berryhill,  
William Berryhill,  
George Franklin Berryhill,  
Bluford Winfield Berryhill,  
William Berryhill,  
Elizabeth America Berryhill,  
Lucy Ann Berryhill,  
O. P. Berryhill,  
Bluford Oscar Berryhill,  
Thomas H. Berryhill,  
Theodore Franklin Berryhill,  
Rhoda Adaline Berryhill,  
William Thomas Berryhill,  
S. E. Rickets,  
T. H. Rickets,  
R. J. Rickets,  
M. O. Rickets.

*Adopted October 28, 1890.*

## CHAPTER XXI.

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### APPLICATION FOR CITIZENSHIP.

*Section*

- 295. Debarred from applying.
- 296. Children of aliens debarred from applying
- 297. Persons who have applied to other Nations.
- 298. Applications pending.

SECTION 295. All persons who were born, or who may be hereafter born, beyond the limits of the Indian Territory, and may have heretofore been entitled to make application for citizenship, on account of Indian blood or tribal adoption, and who have continuously resided beyond or outside of the jurisdictional limits of the Muskogee Nation for the period of twenty-one years, are hereby declared aliens, and not entitled to citizenship in the Muskogee Nation, or to any of the privileges thereof.

SEC. 296. The minor children and descendents of persons so debarred from citizenship and declared aliens, are hereby also excluded from citizenship in the Muskogee Nation, and from all the privileges thereof.

SEC. 297. All persons who have heretofore applied for citizenship in the Cherokee, Choctaw, Chickasaw or Seminole Nation, and accompanied his application with a declaration of right to citizenship in such Nation, by blood or adoption, is hereby declared an alien, and shall not be entitled to citizenship in the Muskogee Nation, nor to the privileges thereof.

SEC. 298. This act shall not apply to persons who have heretofore filed application for citizenship and where cases are now pending.

Approved October 26, 1889.

## CHAPTER XXII.

## NON-CITIZEN.

*Section*

- 299. Shall have no right.
- 300. Shall own no improvements.
- 301. Licensed traders' right to enclose ground and keep stock.
- 302. Penalty for violating Section 301.
- 303. No right to cut timber.
- 304. Abolishing of the office of District Inspector.

## NON-CITIZEN INDIANS.

*Section*

- 305. Removal of.
- 306. Appropriation for removal of.
- 307. Using District Officers for the removal of.

SECTION 299. No non-citizen shall, on account of marriage with a citizen of this Nation, acquire any right pertaining or belonging to a citizen of this Nation.

SEC. 300. No non-citizen shall have the right to reside in or to own any improvement in this Nation, except as provided for in the treaties between this Nation and the United States.

SEC. 301. No licensed trader shall have the right to enclose more than two acres of land, or to cut or put up hay from the public domain, nor shall he have the right to keep stock or permanent herds of cattle in this Nation.

SEC. 302. Any licensed trader who shall violate this law shall be reported by the Prosecuting Attorney to the United States Indian Agent, with the request that said licensed trader's license be revoked, and that he be removed from the Nation as an intruder.

SEC. 303. No non-citizen shall have the right to cut and sell any timber from the public domain of this Nation, under penalty of forfeiture of all timber so cut and of being reported to the United States Indian Agent for removal beyond the limits of this Nation as an intruder. The Prosecuting Attorney, confiscating the timber cut by a non-citizen, shall

sell the same to the highest bidder, and retain 15 per cent. of the proceeds thereof for his personal fee, the balance to be paid into the National Treasury.

#### ABOLISHING THE OFFICE OF DISTRICT INSPECTOR.

SEC. 304. The office of District Inspector is hereby abolished, and all laws providing for and regulating the issuance of permits to non-citizens as laborers or for other purposes are hereby repealed, and it is hereby made the duty of the Prosecuting Attorney of the several Districts to report as intruders to the United States Indian Agent the names of all persons who shall be found residing or sojourning in their respective Districts for expulsion from the limits of the Muskogee Nation. For the purposes of this act the annual salaries of the District Attorneys are hereby increased by the addition thereto of the sum of one hundred (\$100.00) dollars.

Approved October, 1892.

#### NON-CITIZEN INDIANS.

SEC. 305. The Principal Chief is hereby authorized and directed to adopt such means and measures as in his judgment will secure the peaceable removal from this Nation, at the expiration of five months from the 30th of November, 1892, of all non-citizen Indians who may then be found residing within the limits of this Nation.

SEC. 306. The sum of one thousand (\$1,000.00) dollars, or so much thereof as may be necessary to carry into effect the provisions of this act, is hereby appropriated out of the general funds of the Nation.

SEC. 307. The Principal Chief shall, for the purpose of carrying out the provisions of this act, have authority to command the services of any or all the District Officers of this Nation.

## CHAPTER XXIII.

## MARRIAGE AND DIVORCE.

*Section*

- 308. Legalizing former marriages.
- 309. Bigamy.
- 310. Who may solemnize marriage ceremonies.
- 311. Where divorce may be obtained.
- 312. Dissolution of marriage contracts.
- 313. Cause for divorce.
- 314. Care and maintenance of the children.
- 315. Re-marriage after divorce.

SECTION 308. From and after the passage of this act, all marriages between citizens, who are now living together as man and wife, are hereby legalized.

SEC. 309. No new marriage shall be contracted whilst either party has a husband or wife living, nor between parties who are nearer of kin than the third degree.

SEC. 310. Marriages may be solemnized by any of the Judges of the Courts of this Nation, or by any ordained minister of the Gospel in regular communion with any religious society; and any marriage, contracted in writing, or in the presence of two or more witnesses who shall sign the marriage contract as such, shall be lawful.

SEC. 311. A divorce from the bonds of matrimony may be adjudged by the District Court of the District where the parties, or either of them reside, on application, by petition or complaint, of the aggrieved party.

SEC. 312. Actions for divorce shall be conducted in the same manner as other actions in Courts; and the Court shall have power to enforce its judgments as in other cases; and when a judgment of divorce from the bonds of matrimony is granted in this Nation, by a Court of competent authority, such judgment shall fully and completely dissolve the marriage contract as to both parties.

SEC. 313. The bonds of matrimony may be dissolved for either of the following causes, viz: Adultery, willful deser-



tion and neglect for the term of one year next preceding the filing of the complaint or petition; extreme cruelty, whether by violence or other means.

SEC. 314. In granting divorce, the court shall, in all cases where there are minor children of the parties divorced, make such order concerning the custody, care and maintenance of the children as it may deem proper and just, having due regard to the age and sex.

SEC. 315. When a judgment of divorce has been granted, and the parties shall afterwards intermarry, the court, upon their joint application, and upon satisfactory proof of such marriage, may revoke all orders of divorce, alimony and subsistence, which will not affect the rights of third parties.

Approved October 22, 1891.

## CHAPTER XXIV.

## ACT REGULATING THE PRACTICE OF MEDICINE IN THE MUSKOGEE NATION.

*Section*

- 316. Appointment of Board of Physicians.
- 317. Giving certificates.
- 318. Fee for examination.
- 319. Upon failure to comply with this law, shall be deemed intruders.
- 320. Druggists shall not practice medicine without a certificate.
- 321. Fees of the physicians.

SECTION 316. The Board of Physicians shall be appointed by the Principal Chief and shall be composed of three regular graduates of some reputable and well authenticated medical college, and who are engaged in the regular practice of medicine. They shall be either citizens or inter-married, residing in the Muskogee Nation. They shall examine all persons who desire to locate in this Nation for the purpose of practicing medicine.

SEC. 317. Any person desiring to practice medicine in this Nation shall file his diploma with the Board, and if, upon examination, the diploma is found to be valid and authentic, the Board shall give such applicant a certificate signed by the president and secretary of the Board; which certificate thus signed, shall entitle the applicant to practice medicine in this Nation. The Board may charge and collect a registration fee of five (\$5.00) dollars from each applicant.

SEC. 318. Every non-graduate who may desire to practice medicine in this Nation, shall make application to the Board, and accompany his application with sufficient proof of good moral character, together with a fee of twenty-five (\$25.00) dollars, which shall be a fee for examination; and if the Board shall find the applicant qualified to practice medicine, they shall grant him a certificate which shall entitle him to practice in this Nation.

SEC. 319. Any non-citizen claiming to be a physician who shall fail to comply with these requirements shall be deemed an intruder and be dealt with accordingly; and the Examining Board shall report to the Principal Chief any person practicing medicine in violation of same.

SEC. 320. No druggist or apothecary shall have the right to prescribe for or treat any patient until he shall first have complied with these requirements under penalty of having his license revoked.

SEC. 321. Physicians lawfully practicing in this Nation, may collect their fees in the same manner and upon the same condition as other debts are collected before any of the courts of this Nation; *provided*, that such fees shall not exceed one ( \$1.00 ) dollar per mile for distance traveled in visiting the patient at any hour of day or night, exclusive of obstetrics and surgical work.

## CHAPTER XXV.

## LIVE STOCK.

## STOCK BRANDS.

*Section*

322. Stock brands to be recorded with the Judges.

## ESTRAYS.

*Section*

323. Estrays to be posted with Captain of Light Horse.  
 324. To be sold at public sale.  
 325. Parties posting estrays to take charge of same.  
 326. Owners of estrays to recover same by paying specified amount.  
 327. Disposal of money accruing from estray sales.  
 328. Person buying estrays to keep same six months.  
 329. Owner finding stock after six months from sale of same.  
 330. Percentage of proceeds of sale to go to any one proving his stock after public sale thereof.

## CLAIMING STOCK BELONGING TO NON-CITIZENS.

*Section*

331. Penalty for.  
 332. Per cent. of fines due Tax Collector.

## STOCK BRANDS.

SECTION 322. Every person shall furnish the Judge of the District in which he resides or in which his cattle range, the brand or brands of his stock, and the Judge shall enter the same of record, and also furnish each of the other District Judges with a true record of all stock brands on record in his office; and no brand shall be recognized in this Nation unless the same be recorded as herein required.

## ESTRAYS.

SEC. 323. Any one finding or taking up estray stock shall report the same to the Light Horse Captain of the District in which such stock is found, giving a full description of the same.

SEC. 324. The Captain shall then post and advertise all estray stock reported to him for the period of six months, and sell the same at public sale to the highest bidder for national warrants, scrip, or for cash.

SEC. 325. Any person finding and reporting estray stock to the Captain shall take charge of such stock, and appear with it at the time and place of sale.

SEC. 326. Any one who shall find his or her stock posted and advertised for sale, shall, upon proving the stock, be entitled to the same upon payment of two (\$2.00) dollars per head on horses and cattle and fifty cents per head for smaller stock.

SEC. 327. All monies accruing from the sale of estrays, except one-third, which shall be paid to the person who shall have taken charge and care of the same, shall be paid into the National Treasury.

SEC. 328. Any person buying estray stock shall keep the same for a period of six months before he shall be at liberty to sell or make any other disposition thereof; and any person who shall find his property within six months after it has been sold at public sale, and prove the same, shall be entitled to his stock.

SEC. 329. Any person who shall find his stock after the expiration of six months from the public sale thereof, shall be entitled to the amount accruing from such sale, less the one-third which shall have been paid to the person having charge of the stock.

SEC. 330. Any person proving and taking stock which has been sold as estray, shall only be entitled to receive from the National Treasurer the two-thirds of the proceeds of the sale which was turned into the treasury.

#### CLAIMING STOCK BELONGING TO NON-CITIZENS.

SEC. 331. If any person shall claim or graze in this Nation, any stock belonging to a non-citizen, he shall be liable to be reported by the Tax Collector to the Judge of the District wherein the cattle are held; and the Judge shall cause such party to appear before him and state under oath whether or not he is the rightful owner of such stock, and any citizen, who shall, at such investigation, be sus-

pected of committing perjury, shall be liable to criminal prosecution, and, upon conviction shall, in addition to the penalty for perjury, be liable to a fine of five (\$5.00) dollars per head for each animal held by him, and shall be further required to remove such stock beyond the limits of the Nation within ten days from the time of conviction; *provided*, that nothing herein contained shall be so construed as to prohibit any person from importing fine stock not exceeding fifty, for the improvement of the native stock, free of tax.

SEC. 332. All fines arising under the foregoing sections shall be paid to the National Tax Collector, who shall turn the same into National Treasury, taking receipt therefor, and shall receive the same percentage as fees, as is allowed him in other collections.

## CHAPTER XXVI.

### PASTURES.

*Section*

333. Authorizing the building of a mile square pasture.

#### QUARANTINE.

*Section*

334. When cattle may be introduced.  
335. Penalty for violating section 334.  
336. When cattle may be put in large pastures.  
337. Penalty for claiming stock belonging to non-citizen.  
338. Preventing the removal of cattle unlawfully introduced before the payment of fines.  
339. How notice of sale is to be made.  
340. To record bill of sale of cattle placed on open range.

#### CONTRACT PASTURES.

*Section*

341. Renewal of pastures built under Act of 1889.  
342. Providing for the survey of pastures.  
343. Contract to run six years.  
344. Authorizing the building of pastures larger than one mile square.  
345. Application to be made to the Principal Chief—Tax on pastures.  
346. Parties building pastures to file bond.  
347. Kind of fence to be built.  
348. Cattle escaping from pastures.  
349. Persons living in pastures to enlarge their farms.  
350. No claims to be made in pastures.  
351. Treasurer to keep separate account of taxes on pastures.  
352. Disposition to be made of taxes on pastures.  
353. Gates to be built to large pastures.  
354. Repealing other Acts.

#### SURVEY OF PASTURES.

*Section*

355. Arrearages due on old pastures to be paid.

### MILE SQUARE PASTURE.

SECTION 333. Any citizen, head of a family, engaged in the keeping or grazing of live stock in this Nation, shall for that purpose be entitled to enclose for his exclusive use, free from any manner of tax, one mile square of the lands of the public domain; but such enclosure shall not intrude on the rights of any other citizen without his or her consent.

#### QUARANTINE.

SEC. 334. No person shall have the right to introduce or invite into this Nation any cattle at any time except between

the first day of January and the last day of March each year, and only then upon the payment of the tax of two (\$2.00) dollars per head on all cattle introduced.

SEC. 335. Any person violating Section 334 shall be fined in the sum of three (\$3.00) dollars per head for every head of stock introduced. The Prosecuting Attorney shall immediately institute proceedings against any person violating any of the provisions of this law, and upon conviction the Judge shall render judgment against the defendant in the amount above required, which shall be a lien upon all cattle unlawfully introduced, for the payment of the judgment and costs of the suit. If the fine be not paid within thirty days from date of judgment, the Judge shall issue execution for the fine and costs, and the cattle shall be advertised for public sale by the Captain of the Light Horsemen, and as many thereof shall be sold to the highest bidder for cash or national warrants as shall be necessary to pay the judgment and costs, and the proceeds of the sale shall be paid into the National Treasury. The District Judge shall see that all the requirements of this law are promptly enforced.

SEC. 336. All citizens who have built pastures larger than one mile square under existing law, shall be permitted to introduce cattle to be put and kept in their pastures from the 30th day of November to the 15th day of May in each year, until the expiration of their existing contracts with the Nation.

SEC. 337. It shall be unlawful for any citizen to claim or hold cattle in any manner whatever, belonging to non-citizens. The Prosecuting Attorney shall institute suit against any citizen violating this section and upon conviction, the Court shall adjudge against the offender the fine of five (\$5.00) dollars per head for each and every head of cattle unlawfully claimed or held, and such judgment shall be a lien on all such cattle. If the fine is not paid in thirty days, the subsequent proceeding shall be the same as herein above specified.



SEC. 338. After proceedings shall have commenced as herein authorized, if the Judge has reasonable grounds to believe that the cattle liable to be sold for fines are being moved out of his District he shall order the Light Horse, and if necessary, call to his aid the Light Horsemen of any or all of the other Districts, to prevent the removal of such cattle, and he shall hold such cattle under surveillance until the case is finally disposed of in the Court and the fine, if any be imposed, shall be paid. The informer shall receive 10 per cent. of the fines collected, and the Prosecuting Attorney shall receive a similar amount.

SEC. 339. The publication of any sale of any cattle shall be by posting not less than three written or printed notices thereof in public places in the District, naming day of sale, place and terms thereof. The Judge of the District shall also cause said notice to be published in the *Indian Journal* and *Muskogee Phoenix* newspapers.

SEC. 340. Any citizen who may bring cattle into this Nation for the purpose of placing the same upon the open range as authorized by this law, shall record with the Judge of the District in which the cattle are to be located, the bill of sale of such cattle together with marks and brands thereof.

#### CONTRACT PASTURE LAW.

SEC. 341. All pastures larger than one mile square, built in accordance with an act of the National Council, approved October 6th, 1889, and found on pages 172, 173, 174 and 175 of the Compiled Laws of the Muskogee Nation, edition of 1890, may stand for the term of six (6) years from the time of the expiration of the contracts under which they were severally built; *provided*, that the owners of the same shall have and truly paid in all monies due from them under the law which authorized the erection and operation of said pastures; *provided further*, that the owners of said pastures shall enter into contract with the Principal Chief, and file

the necessary bond as hereinafter required and provided for. Any arrears or dues to the Nation, payment of which is provided for by this section, shall be paid to the Treasurer of the Muskogee Nation, as well as the current dues for acreage, until the expiration of the original contracts, renewed hereby in modified form.

SEC. 342. The Principal Chief is hereby authorized, immediately after the passage of this act, to contract with a competent person to survey and ascertain the exact number of acres in each pasture provided for by this act, also in the contract pastures heretofore existing, the compensation for said survey to be paid only out of the first monies paid to the National Treasurer on account of pastures herein provided for, and said compensation shall not exceed one cent per acre. The certificate of survey, exhibiting number of acres in each pasture, shall be furnished by the Principal Chief to the National Treasurer, who shall collect and receipt for accordingly.

SEC. 343. All pastures which may hereafter be built, in accordance with this act, may stand for the term of six (6) years from the date of the contracts under which they shall severally be built.

SEC. 344. Any citizen or company of citizens of this Nation shall have the right to build pastures larger than one mile square, along the border of this Nation, by securing the consent of all the citizens who may be residing within such proposed enclosure, or who may be residing within one-half mile outside, and from such enclosure; *provided*, that such pastures to be hereafter built shall not be of greater width from the border than ten miles.

SEC. 345. All persons desiring to build pastures under this act, shall before doing so, make application in writing to the Principal Chief for the privilege of building such pasture, which application shall be accompanied by a plat, showing the location and extent of the pasture or pastures proposed to be built, and if the Principal Chief shall approve

and accept such application, he shall enter into a written contract with the applicants, in which the applicants shall agree to pay the National Treasurer, for the use and benefit of the Nation, an annual tax of five (5) cents on every acre they shall enclose, which tax shall be due and paid quarterly, on the first day of January, April, July and October in each year, at the rate of five (5) cents per acre on each acre per annum, as certified, to the National Treasurer.

SEC. 346. Every citizen or company of citizens contracting with the Principal Chief for the building of large pastures, shall file a bond with the Principal Chief with approved security in a penal sum of twice the amount of his or their quarterly dues of tax, conditioned upon their prompt payment of all taxes on pastures when the same shall become due, and if any citizen or company of citizens, who shall have built pastures under this act, shall fail to pay their tax when due and shall be in default thereof for the period of thirty days after the same shall be due and unpaid, they shall forfeit all improvements constituting their pastures, to the Nation, and shall also forfeit all their rights and privileges acquired under this act, and the Principal Chief shall contract such pasture or pastures, so forfeited, to any citizen or citizens who may apply for the same.

SEC. 347. All pastures under this act shall be built of posts, and set not over thirty-two feet apart, with three stays between the posts, and four strands of wire; *provided*, the line of fence to be built on the western boundary line of our Nation shall be of seven strands of wire, built so as to be a hog-proof fence.

SEC. 348. All cattle escaping from contract pastures as herein provided for shall be subject to the law on estrays found in preceding chapter.

SEC. 349. All citizens, who, by consent, are included in a pasture made and erected under the provisions of this act may enlarge their farms from time to time as the growing necessities of the family may require, but this Section is not

intended to permit any citizen so included by consent, to lease land within such pastures to be improved by non-citizens, but any citizen shall have the right to cut hay in such pasture for his own use.

SEC. 350. It shall be unlawful for any citizen to make a claim, or any improvement whatever, within a pasture lawfully erected under the provisions of this act, without the consent of the party or parties contracting for said pastures.

SEC. 351. The National Treasurer is hereby required to keep a separate account of the contract pastures provided for in this act, and he shall submit annually to the National Council a statement of existing contract pastures, also contract pastures that may have lapsed or have been forfeited. The statement shall include the acreage of each pasture, the price per acre as fixed by the law and also the amount paid on each pasture, with date of each respective payment.

SEC. 352. The funds derived from the lease of pastures provided for in this act shall be divided as follows: Two-thirds of the amount thereof shall be set apart exclusively for the school fund, and the remaining one-third shall go into the national fund for general purposes.

SEC. 353. All pastures herein provided for shall have gates at the points of ingress and egress of all neighborhood and main traveled roads, and such other gates, from time to time as may be needed for the convenience of travel, within reasonable limits, to be determined by the Judge of the District in which the pasture lies, upon petition of the citizens of said District.

SEC. 354. All acts or parts of acts inconsistent with the provisions of this act be and are hereby repealed. This act shall take effect and be in force from and after date of its passage and approval by the Principal Chief.

Approved November 3d, 1892.

#### SURVEY OF PASTURES.

SEC. 355. When the Treasurer shall be furnished with

certificates as provided by law, showing the correct number of acres in the several contract pastures previously built and operated, and it shall appear from official records or sworn statements of officers receiving payments on said pastures in the past, that the owners of said pastures failed to pay the full amount or amounts due to the Nation on a computation at five (5) cents per acre on the number of acres accurately ascertained to be enclosed, it shall be the duty of the National Treasurer to present to each owner of such pastures an accurate statement of the amount of balances due from said owner to the Nation, who is hereby required to make settlement with the Treasurer within sixty days after notice has been served, which if he shall fail to do, is hereby declared sufficient cause for the forfeiture of his rights and privileges as provided in Section 346 of the Contract Pasture Act.

## CHAPTER XXVII.

## TOLL BRIDGES AND FERRY BOATS.

*Section*

- 356. Privilege to Delilah Drew to build a toll bridge.
- 357. Length of time in force.
- 358. Non-citizens refusing to pay toll.
- 359. Exclusive right to build.
- 360. Privilege to Wm. F. McIntosh to build a toll bridge.
- 361. Non-citizens refusing to pay toll.
- 362. Exclusive right to build.
- 363. Length of time in force.
- 364. Charter to Short John to build a toll bridge.
- 365. Shall keep bridge in good repair.
- 366. Amount of toll lawful.
- 367. Exclusive right to build.
- 368. Non-citizens refusing to pay toll.
- 369. Interfere with any other rights similar, shall not.
- 370. Act renewing charters of toll bridges.
- 371. Privilege to Dick Greenwood to build a toll bridge.
- 372. Exclusive right to build.
- 373. Non-citizen refusing to pay toll.
- 374. Length of time in force.
- 375. Public ferry boat landings.

## CHARTER TO DELILAH DREW.

SECTION 356. Privilege is hereby granted to Delilah Drew to establish a toll bridge at a place on the public road in this Nation, leading from North Fork Town to Ft. Gibson, on Little Elk Creek, on the following conditions and terms :

That if said Delilah Drew builds a good and substantial bridge across the said Little Elk Creek, and keeps the same in good repair, she shall be entitled to demand and receive therefor from all persons, not citizens of this Nation, the rate of tolls as follows:

For each wagon drawn by more than four horses, and driver .....	75c
For each wagon drawn by four horses, and driver.....	50c
For each vehicle drawn by one or two animals, with driver .....	25c
For man and horse .....	10c
For each animal in every drove of horses, cattle, hogs, and sheep.....	01c

SEC. 357. The privilege of receiving toll herein given shall not take effect until said bridge is completed, and shall continue in force for the period of fifteen years, provided said bridge is kept in good order and repair.

SEC. 358. If any persons, not citizens of this Nation, refuse to pay the toll aforesaid, upon application being made to the United States Indian Agent, with proper proof, he shall take such steps as may be necessary to receive and collect the same.

SEC. 359. No other person or persons shall have the right to establish a bridge or make a public road across said creek within one-half mile on each side of the bridge provided for.

Approved March 9th, 1871.

#### CHARTER TO WILLIAM F. MCINTOSH.

SEC. 360. Privilege is hereby granted to William F. McIntosh to establish a toll bridge on the public road leading from North Fork Town to Ft. Gibson, on Big Elk Creek, on the following conditions and terms:

That if said William F. McIntosh builds a good and substantial bridge across the said Elk Creek, and keeps the same in good repair, he shall be entitled to demand and receive therefor from all persons, not citizens of this Nation, crossing the bridge, the rate of tolls as follows:

For every vehicle drawn by more than four animals and driver.....	75c
For each vehicle drawn by four animals and driver...	50c
For each vehicle drawn by one or two animals and driver.. ..	25c
For one man and horse.....	10c
For each animal in every drove of cattle, horses, hogs, or sheep.....	01c

SEC. 361. If any person, not a citizen of this Nation, refuses to pay toll as above mentioned, upon application, upon proper proof being made to the United States Indian Agent for the Muskogeas, he shall take such steps as may be necessary to receive and collect the same.

SEC. 362. No person shall have the right to establish a bridge or make a public road within one-half mile of said toll bridge on either side thereof.

SEC. 363. This act shall continue in force fifteen years.

Approved March, 1871.

#### CHARTER TO SHORT JOHN.

#### EXECUTIVE OFFICE, MUSKOGEE NATION,

March 4th, 1880.

SEC. 364. By virtue of authority in me vested by act of the National Council of the Muskogee Nation, approved December 15th, 1879, I, Samuel Checote, Principal Chief of the Muskogee Nation, do hereby grant unto Short John, a citizen of the Muskogee Nation, and his heirs, the right to build a toll bridge on the Wewoka River, in Wewoka District, on the road leading to Okmulgee, Muskogee Nation, to Stonewall, Chickasaw Nation, under the following conditions, to wit:

SEC. 365. The bridge shall be kept in good repair, so that no danger in passing over the same shall be incurred by the traveling public, and shall be easy of access.

SEC. 366. The grantees herein mentioned shall be entitled to demand and receive from all persons passing over the bridge, except citizens of the Muskogee Nation, the following sums, namely:

For each vehicle drawn by more than four animals, with driver.....	75c
For each vehicle drawn by four animals, with driver...	50c
For each vehicle drawn by two animals with driver...	25c
For one person with animal, either rode or driven.....	10c
For each animal in every drove of cattle, horses, sheep, goats, mules, or other live stock.....	01c

SEC. 367. No other person or persons shall have the right to establish a bridge or make a public road across said stream, within one-half mile of the bridge herein provided for, except by and with consent of the grantees herein mentioned.



SEC. 368. If any persons not citizens of this Nation refuse to pay the toll aforesaid, upon application, with proper proof, being made to the United States Indian Agent for the Muskogees, such steps shall be taken as may be necessary to collect the same.

SEC. 369. This charter shall not interfere with any similar rights now in existence.

Witness my hand and great seal of the Muskogee Nation, of the date above written.

[SEAL]

SAMUEL CHECOTE,  
Principal Chief of the Muskogee Nation.

#### ACT RENEWING CHARTERS OF TOLL BRIDGES.

SEC. 370. All charters of toll bridges which have expired are hereby renewed under conditions stipulated in them, and to continue in force for the same period of time provided by such charters.

Approved October 8th, 1886.

*Be it enacted by the National Council of the Muskogee Nation:*

SEC. 371. Authority is hereby granted to Dick Greenwood to build and maintain a toll gate on the public road leading from Eufaula, I. T., to South Canadian, I. T., with the right to demand and collect from all non-citizens of this Nation passing through said gate, the following tolls, to wit:

For every vehicle drawn by two or more animals.....	25c
For every vehicle drawn by one or more animals .....	15c
For every man and horse.....	10c
For each animal in every drove of horses, cattle, hogs or sheep.....	01c

SEC. 372. No person shall have the right to establish a gate as aforesaid or make a public road within one mile of said toll gate on either side thereof.

SEC. 373. Any non-citizen refusing to pay toll as herein provided for shall be liable to be reported to the proper

authorities of the United States for prosecution under the United States statutes.

SEC. 374. This act shall take effect from and after its passage and shall remain in force for the period of fifteen years.

Approved October 26th, 1892.

#### PUBLIC FERRY BOAT LANDINGS.

SEC. 375. Should any person be the rightful owner of any ferry boat landing on any river in this Nation, and should said landing be occupied by another without the owner's consent, it shall be the duty of the Captain of the Light Horse of the District in which such landing is situated, to dispossess such illegal occupants and repossess the proper owners of the same; and no person shall have the right to establish another landing within one-half mile of such landing without the owner's consent.

## CHAPTER XXVIII.

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### COAL, TIMBER AND RAILROADS.

#### MINING OF COAL.

##### *Section*

- 376. Incorporating coal companies.
- 377. Filing articles of incorporation with the Chief.
- 378. Disposal of approved articles of incorporation.
- 379. Returned articles of incorporation and further privileges.
- 380. Limiting the right of non-citizens.
- 381. Privileges of coal companies.
- 382. Bond of company.
- 383. Books of company.
- 384. National Weigher.
- 385. Royalty of company to be paid to the Muskogee Nation.
- 386. When lease to the company may be annulled.
- 387. Exclusive privilege.
- 388. Right-of-way.
- 389. Companies may not use surface soil.
- 390. Length of time incorporation may continue.
- 391. This act not to interfere with the rights of any citizen.

#### TIMBER LAW.

##### *Section*

- 392. License to cut and sell to railroads, and bond of licensed citizens.
- 393. Royalty to be paid to the Nation.
- 394. Report to the Treasurer, when and what.
- 395. Company may not intrude on any citizen.
- 396. Limiting number of ties to be contracted for.
- 397. Penalty for not obtaining a license before cutting ties and telegraph poles, or quarrying stone.
- 398. Prosecuting Attorney to prosecute such offenders.
- 399. Non-citizens violating this act.
- 400. Construction of this law not to interfere with rights, etc.

#### RELATING TO RAILROADS.

##### *Section*

- 401. Negotiating with R. R. companies.
- 402. Limiting right-of-way of R. R's.
- 403. Empowering delegation to confer with R. R. companies.

### MINING OF COAL.

SECTION 376. Any number of citizens not less than three, may associate themselves together as a body corporate, for the purpose of developing the coal interests of the Muskogee Nation; and for the purpose of obtaining skilled labor and capital, they shall have the authority to admit to the special privileges of such coal mining corporation, such non-citizens

or legal association of non-citizens as they may elect, either by admitting them as stockholders of the company or by employing them in the business of mining, transporting or selling of coal; and for the persons so employed or admitted, the company shall not be liable to pay any tax to the Muskogee Nation.

SEC. 377. Before any such corporation shall be legal and become entitled to enter upon the development of coal lands, articles of incorporation shall be filed with the Principal Chief and be approved by him, said approval to be authenticated by his signature and the seal of the Muskogee Nation. Such articles of incorporation shall set forth the objects of the proposed corporation, the locality where its mining operations are to be carried on, the amount of its capital stock, the number of shares into which the same is divided, the number and names of the incorporators, who shall act as a Board of Directors until their successors are elected and qualified, the time when business is to be commenced, and the principal place thereof. The articles of incorporation shall also set forth the amount of coal land upon which the company intends to locate, and describe the same by metes and bounds, evidenced by monuments, in such a manner that they may be ascertained and established at any time by actual survey. And if a right of way thereto be desired the aforesaid shall contain a specific declaration to that effect, and a general description of the direction and termini of the same.

SEC. 378. The articles of incorporation shall be filed with the Principal Chief, in duplicate, and if the same be approved by him, he shall file one copy in the archives of the Muskogee Nation and return one copy, signed and sealed, as provided in the second section of this act, to the incorporators, and either copy, authenticated as herein provided, shall be evidence of the corporate existence of such corporation, and of the rights and privileges conferred by this act.

SEC. 379. In case the articles of incorporation are not approved by the Principal Chief of the Muskogee Nation within a period of ninety days from the date of the filing of the same in his office, the said articles shall be returned to the parties proposing to incorporate under this law, and the said parties shall be entitled to one further period of sixty days in which to file satisfactorily amended articles; but in case such satisfactorily amended articles be not filed within said period of sixty days, it shall be lawful for any other association to tender articles of incorporation covering the same coal lands and other privileges conferred under this act.

SEC. 380. It is expressly understood that this act shall not be construed by any person or court so as to confer upon any non-citizen the privilege of citizenship, or any rights other than such as are specifically mentioned in this act, and which are necessary to the successful development of the coal interests of the Muskogee Nation, and any non-citizen assuming rights and privileges, other than those herein granted, shall be subject to the pains and penalties of the law against intruders.

SEC. 381. Whenever the articles of incorporation shall have been approved in accordance with the provisions of this act the association shall be a body corporate, and within the terms of said articles shall have all the common law rights of a business corporation, to have succession by its corporate name for the period limited in the articles of incorporation, to sue and be sued, to complain and defend, in any Court of the Muskogee Nation; to make and use a common seal; to hold and convey such personal property as the purposes of the corporation shall require; to appoint such subordinate officers and agents as the business of the corporation shall require, and to allow them a suitable compensation; to make rules and regulations, not inconsistent with existing laws of the Muskogee Nation, for the management of its property, the control of its affairs, and for the transfer and voting of its stock. But these rights and powers shall appertain ex-

clusively to the mining, transporting and sale of coal, and shall terminate at the end of the period set forth in the approved articles of incorporation.

SEC. 382. Any such approved corporation or company shall have the privilege of mining, transporting and selling coal, both within and without the territorial limits of this Nation, provided such corporation file with the Principal Chief a penal bond in a sum of not less than fifty thousand (\$50,000.00) dollars, conditioned on a faithful compliance with all the terms of this law, and of such special contract entered into under the power of this act as shall be deemed necessary to protect the interest of the Muskogee Nation.

SEC. 383. Whenever such corporation shall have entered upon the business of mining coal, it shall keep a set of books wherein shall be shown the number of bushels of coal mined and shipped, the number of laborers employed, and their names; said books shall always be open for inspection by the Principal Chief, or other person or persons authorized, to examine the same.

SEC. 384. The Principal Chief shall appoint a National Weigher for each coal mining corporation, whose duty shall be to see to the correct weight of the daily output of coal, and keep a record of the same, and at the end of each month send a tabulated statement of such output in bushels to the Principal Chief, and a copy thereof to the National Treasurer.

SEC. 385. At the end of each and every month, the said mining corporation shall pay to the Muskogee Nation, through its National Treasurer, a royalty of one-fourth of a cent upon, and for, each and every bushel of coal of eighty-five pounds weight, mined by it under the terms of this act, the total amount of said royalty to be determined by the monthly statements shown by the books of the company and those of the National Weigher, and in case of disagreement between such books, the books of the National Weigher shall be the basis of settlement, if the Principal Chief shall so elect.

SEC. 386. Whenever any coal mining corporation or company shall have accepted the privileges conferred by this act, it shall diligently prosecute the work of mining coal, and a failure to exercise reasonable diligence in such work for a period of one year shall be just cause for the annulment of all grants and privileges conferred upon such corporation under this act.

SEC. 387. Any corporation complying with all the provisions of this act shall be entitled to the exclusive privilege of mining coal within the limits of the location as set forth by metes and bounds in its articles of incorporation, approved by the Principal Chief as provided in Section 377 of this act; and the Muskogee Nation will guarantee and defend such exclusive privileges during the legal continuance of the corporation formed under this act.

SEC. 388. Any coal mining corporation formed and organized under the provisions of this act, shall be entitled to a right of way to its mines not exceeding 100 feet in width to any railroad now in operation in this territory, and also to sufficient grounds for buildings, round houses, switches, hoisting works and other improvements necessary to the successful mining, marketing and selling of coal.

SEC. 389. Such coal mining company or corporation shall not be entitled to the use of the surface soil or its products, such as grass or timber, when the same is not necessary to its operations, and shall not interfere with the use and occupation of the surface by any citizen of this Nation, where the same is not embraced in the special privilege herein conferred.

SEC. 390. The period of incorporation under this act shall not exceed a period of thirty years, but shall be subject to renewal if both parties shall so agree.

SEC. 391. It is expressly understood that this act shall not be construed to interfere with any equitable rights now accruing to any citizen under existing laws, nor to prevent

citizens from using and mining coal for home consumption or from selling the same in small quantities.

### TIMBER LAW.

SEC. 392. Any citizen or citizens of this Nation contracting with any railroad company to furnish ties or other material shall, before doing so, obtain a license from the Treasurer of the Nation for that purpose, and file a bond with good security in the penal sum of one thousand (\$1,000.00) dollars, conditioned upon the compliance with this law, and only for the purpose of furnishing such ties and materials as shall be mentioned in the contract.

SEC. 393. All persons furnishing ties and material under this law are hereby required to pay to the National Treasurer, for the benefit of the Nation, as follows:

For every tie, 10 cents; bridge or railroad timber, sawed or rough, 15 per cent. of actual cash value of the same; for every telegraph pole, 15 cents; for every cubic yard of stone, first class, 15 cents; for every cubic yard of stone, second class, 10 cents; for every cubic yard of stone, third class, 5 cents.

SEC. 394. All persons so licensed shall report by the first of September in each year, to the National Treasurer, under oath, as to the amount and kind of materials furnished said railroad companies, and pay over to the Treasurer the amount due on said material.

SEC. 395. No person furnishing as aforementioned, shall be permitted to intrude or trespass upon the improvements or right of any citizen of this Nation without the consent of such citizen.

SEC. 396. No citizen or corporation of citizens shall be permitted to contract with any single railroad company for the furnishing of more than five thousand (5,000) ties, and any party violating this provision shall forfeit to the Nation double the amount of his or her contract, to be recovered before any Court having jurisdiction over the same.



SEC. 397. Any person or persons undertaking to quarry stone, cut railroad ties or telegraph poles, without first obtaining authority to do so, under the provisions of this act, shall be deemed guilty of high misdemeanor and be liable to a fine of five hundred (\$500.00) dollars and subject to forfeiture of work so done.

SEC. 398. It shall be the duty of the Prosecuting Attorney to indict and prosecute such offenders in their respective districts, and for the service he shall receive 15 per cent. of all fines recovered.

SEC. 399. Persons not citizens violating this act shall be reported through the proper officers to the United States authorities for removal beyond the limits of this Nation, and all such material as above mentioned, in their possession, shall be seized and sold for the benefit of the Nation.

SEC. 400. This shall not be so construed as to authorize any person to obtain or use timber within one-half mile of the occupied premises of any citizen of this Nation, without the consent of such citizen, nor to authorize any individual or company to hold or occupy or be interested in, more than one claim in any forest at the same time.

#### RELATING TO RAILROADS.

SEC. 401. The authorities hereinafter mentioned may and are hereby authorized to enter into negotiations with the authorities of the companies operating railroads in said Nation under the provisions of the treaty between said Nation and the United States, proclaimed August 11th, 1866, for the acquisition by the said railroad companies, of the sole *occupancy* and *use* of only so much land in said Nation as is absolutely necessary to the proper management of the legitimate business of the said railroads. The terms of the negotiations herein authorized to be such as shall not interfere with or trespass on the individual rights of citizens of said Nation who shall have occupied space or located improvements thereon prior to the date of January 12th, 1883, or

who, by purchase or otherwise, may have secured rights as originated prior to the aforementioned date; *provided, however*, that nothing in this act shall be so construed as to prevent a transfer, by sale or otherwise, by such citizens of their improvements or right of occupancy of any portions of the reservations herein authorized, to the authorities of said railroad companies if they shall so elect, when the space occupied by them or their improvements are included within the limits of said reservations.

SEC. 402. The reservations of land in the Muskogee Nation herein authorized for use in the management of the business of the railroads now in operation in said Nation, shall be, and is hereby defined and fixed at fifty (50) feet in width on each side, measured from the center of the road bed of the main line thereof; and two hundred (200) feet in width on each side, measured as above, and two thousand (2000) feet long, measured at the stations in said Nation, known as Adams, Leliaetta, Rosedale, Gibson, Muskogee, Summit, Oaktaha, Checotah, Bond and Eufaula, numbered respectively in the plats filed in the executive office, 11th, 12th, 13th, 14th, 15th, 16th, 17th, 18th, 19th, 20th, and Tulsa and Red Fork; and no part of said reservations shall, without the special consent of the National Council thereto obtained, be occupied by any person engaged in any of the trades or occupations not absolutely necessary to the operation of the road; nor shall any of the officers, servants or employees of the said railroads, or other persons, without such special consent of the Council, be permitted to engage in mining any coal, iron, copper, lead, silver, gold or other minerals that may be found to abound in said reservations; it being expressly understood that the said reservations are to be used for the purpose of facilitating the management of the business of the roads, such as would arise from the location thereon of depots, station houses, machine shops, officers, servants and employees thereof, all of which shall in

all respects be subject to the Indian intercourse laws of the United States.

SEC. 403. The authority to represent the Muskogee Nation in conducting and perfecting negotiations either with the authorities of the railroad companies or the Secretary of the Interior in accordance with the foregoing provisions of this act, is hereby conferred upon the National Delegation appointed and confirmed by the National Council, or such other person or persons as may hereafter be in like manner authorized thereto, who shall make such terms with said authorities as will secure to them the free use and occupancy of the reservations herein designated, at such price or rental per acre as shall be fair and just to the Nation, the same to be either perpetual or for a stated term of years, with privilege of renewal; but in no case shall they sell to said railroad or other authorities the fee absolute in any lands so negotiated, nor shall said negotiations operate to dispossess any citizen of his rights originating within the limits of said reservation prior to the date of January 12th, 1883, such persons being hereby left free to make individual terms as provided in Section 402 of this act. And the Principal Chief is hereby directed to file in the offices of the Secretary of the Interior of the United States and the authorities of the companies operating said Missouri, Kansas & Texas and St. Louis & San Francisco railroads, duly authenticated copies of this act at as early a date as practicable.

Approved November 4th, 1885.

## CHAPTER XXIX.

## MISCELLANEOUS.

*Section*

- 404. Salary during suspension.
- 405. Holding two offices.
- 406. Ineligibility to office.
- 407. Political rights and disabilities.
- 408. Printed stationery furnished officers.

## AMNESTY FOR POLITICAL OFFENSES.

*Section*

- 409. Pardon declared.
- 410. How pardon may be obtained.

## INDIAN INTERNATIONAL FAIR ASSOCIATION.

*Section*

- 411. Officers to be Indians.

## SALARY DURING SUSPENSION FROM OFFICE.

SECTION 404. No officer who has been suspended from office during the interval of Council, and whose place has been filled by appointment, shall be entitled to pay for the time during which he was suspended, though such officer be reinstated by an investigation of Council.

## HOLDING TWO OFFICES.

SEC. 405. Any officer of this Nation who shall be elected to a second office, and shall accept such second election and office shall, by such acceptance, be considered as having vacated the first office.

## INELIGIBILITY TO OFFICE.

SEC. 406. No person who has been convicted of felony shall be eligible to any office of profit, honor or trust under this Government.

## POLITICAL RIGHTS AND DISABILITIES.

SEC. 407. Any citizen who has been convicted of any felony and received punishment therefor, and shall live an

exemplary life for the period of five years thereafter, may, upon an application to the Principal Chief, signed by at least ten respectable citizens and approved by the Judge of the District wherein the applicant resides, have his political disabilities removed by the Principal Chief.

#### PRINTED STATIONERY FURNISHED OFFICERS.

SEC. 408. Only the executive office and the Supreme Court may be furnished with printed letter heads, postal cards, printed and blank, at the expense of the Government.

#### AMNESTY FOR POLITICAL OFFENSES.

SEC. 409. A full, free and unconditional pardon be and is hereby declared for all political offenses growing out of the late trouble in our Nation.

SEC. 410. To receive the benefits of this amnesty it shall only be necessary for parties charged with violation of law or guilty of a political offense, to appear before the Judge of the District Court for the the district in which he resides and take an oath to support the Constitution and obey the laws of the Muskogee Nation.

#### INDIAN INTERNATIONAL FAIR ASSOCIATION.

SEC. 411. The president, officers and managers of the Indian International Fair Association shall be composed of natives of the Indian Territory, and should such association violate the above provision the charter under which the association was formed shall become null and void and all the rights of the said association under the charter shall be forfeited.

## CHAPTER XXX.

## AGREEMENTS WITH THE UNITED STATES.

## SURVEY OF THE WESTERN BOUNDARY.

*Section*

412. Acceptance by the Creek Nation of the survey made by the United States, of the western line of the Creek Nation.

## CESSION OF OKLAHOMA.

*Section*

413. Acceptance of agreement.  
 414. Requisition on Congress for the money paid for Oklahoma.  
 415. Authorizing the Principal Chief to make such requisition.  
 416. Authorizing the payment of the 10 per cent. to the Delegates.  
 417. Ratifying the contract made by the Delegates with Samuel J. Crawford.  
 418. Empowering the Chief to attach a copy of this Act to the contract.  
 419. Ratifying a contract between L. C. Perryman and Fi-e-maht-la and Samuel J. Crawford.  
 420. Empowering the Chief to attach a copy of this Act to the above mentioned contract.

## CESSION OF AGENCY GROUNDS AND PURCHASE OF BUILDINGS.

*Section*

421. Authorizing J. M. Perryman to receive the Agency improvements and receipt therefor.  
 422. Setting the ground apart from settlement until Council shall make some disposition of same.

## SURVEY OF THE WESTERN BOUNDARY.

*Whereas*, By Act of Congress approved March 3d, 1885, entitled:

AN ACT making appropriations for the current and contingent expenses of the Indian Department, and for fulfilling treaty stipulations with various Indian tribes, for the year ending June 30th, 1886, and for other purposes.

An appropriation for interest money was made for the benefit of the Muskogee Nation, providing that no part of the same shall be paid unless the Creek Nation shall, within twelve months, and in pursuance of a resolution of its National Council first had and obtained, make and file in the office of the Secretary of State an acceptance and ratification

of the survey made and approved by the Department, under the treaty of June 14th, 1866. Therefore,

*Be it enacted by the National Council of the Muskogee Nation:*

SEC. 412. The survey of the line intended to define and designate the west half of the entire domain of the Creek Nation, ceded to the United States by the third article of the treaty, proclaimed the 11th day of August, 1866, for the purpose of settling Indians and freedmen thereon, and which survey was approved by the Secretary of the Interior on the fifth day of February, 1872, be and the same is hereby accepted and ratified; and the Principal Chief is hereby instructed to file in the office of the Secretary of State of the United States a duly authenticated copy of this act at as early a day as practicable.

Approved November 4th, 1885.

## ACTS OF THE NATIONAL COUNCIL,

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OF JANUARY 29TH, 1889.—EXTRA SESSION.

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AN ACT to ratify and confirm an agreement made and entered into by and between the United States of America, represented by Wm. F. Vilas, Secretary of the Interior, by and under direction of the President of the United States, and the Muskogee, or “Creek,” Nation of Indians, represented by Pleasant Porter, David M. Hodge and Esparhecher, delegates and representatives thereto, duly authorized and empowered by the Principal Chief and National Council of the Muskogee, or “Creek,” Nation.

*Whereas*, The following article of cession and agreement was entered into at the City of Washington, D. C., on the 19th day of January, 1889, to wit:

ARTICLE of cession and agreement made and concluded at the City of Washington, on the nineteenth day of January, in the year of our Lord 1889, by and between the United States of America, represented by Wm. F. Vilas, Secretary of the Interior, by and under direction of the President of the United States, and the Muskogee, or “Creek,” Nation of Indians, represented by Pleasant Porter, David M. Hodge and Esparhecher, delegates and representatives thereto, duly authorized and empowered by the Principal Chief and National Council of the Muskogee, or “Creek,” Nation.

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*Whereas*, By a treaty of cession made and concluded by and between the said parties on the fourteenth day of June, 1866, the said Muskogee, or "Creek," Nation, in compliance with the desire of the United States to locate other Indians and freedmen thereon, ceded and conveyed to the United States to be sold to and used as homes for such other civilized Indians as the United States might choose to settle thereon, the west half of their entire domain, to be divided by a line running north and south, to be surveyed as provided in the eighth article of the said treaty, the eastern half of the lands of the said Muskogee, or "Creek," Nation to be retained by them as a home; and,

*Whereas*, But a portion of said lands so ceded for such use has been sold to Indians, or assigned to their use, and the United States now desires that all of such said ceded lands may be entirely freed from any limitation in respect to the use and enjoyment thereof, and all claims of the said Muskogee, or "Creek," Nation to such lands may be surrendered and extinguished, as well as all other claims of whatsoever nature to any territory, except the aforesaid eastern half of their domain.

*Now, Therefore*, these articles of cession and agreement by and between the said contracting parties, witness:

## ARTICLE I.

The said Muskogee, or "Creek," Nation, in consideration of the sum of money hereinafter mentioned, hereby absolutely cedes and grants to the United States, without reservation or condition, full and complete title to the entire western half of the said Muskogee, or "Creek," Nation, lying west of the division line, surveyed and established under the said treaty of 1866, and also grants and releases to the United States all and every claim, estate, right or interest of any and every description in, or to, any and all land and territory whatever, except so much of the said former

domain, of the said Muskogee, or "Creek," Nation, as lies east of the said line of division, surveyed and established, as aforesaid, and is now held and occupied as the home of said Nation.

## ARTICLE II.

In consideration whereof, and of the covenants herein otherwise contained, the United States agrees to pay to the said Muskogee, or "Creek," Nation, the sum of two million two hundred and eighty thousand eight hundred and fifty-seven dollars and ten cents (\$2,280,857.10), whereof two hundred and eighty thousand eight hundred and fifty-seven dollars and ten cents (\$280,857.10) shall be paid to the National Treasurer of the said Muskogee, or "Creek," Nation, or to such other person as shall be duly authorized to receive the same, at such time and in such sums, after the due ratification of this agreement "as hereinafter provided," as shall be directed and required by the National Council of said Nation. And the remaining sum of two million dollars (\$2,000,000.00) shall be set apart and remain in the Treasury of the United States to the credit of the said Nation, and shall bear interest at the rate of five per centum per annum, from and after the first day of July, 1889, to be paid to the Treasurer of said Nation, and to be judiciously applied under the direction of the Legislative Council thereof, to the support of their Government, the maintenance of schools and educational establishments, and such other objects as may be designed to promote the welfare and happiness of the people of the said Muskogee, or "Creek," Nation, subject to the discretionary direction of the Congress of the United States. *Provided*, that the Congress of the United States may at any time pay over to the said Muskogee, or "Creek," Nation the whole, or from time to time any part of said principal sum, or of any principal sum belonging to said Nation, held in the Treasury of the United States, and thereupon terminate the obligation of the United States in respect thereto, and in re-

spect to any further interest upon so much of said principal as shall be paid and discharged.

### ARTICLE III.

*It is stipulated and agreed:* That henceforth especial efforts shall be made by the Creek Nation to promote the education of the youth thereof, and extend their useful knowledge and skill in the arts of civilization; and the said Nation agrees that it will devote not less than fifty thousand dollars (\$50,000) annually of its income derived hereunder to the establishment and maintenance of schools and other means calculated to advance the end; and of this annual sum, at least ten thousand dollars (\$10,000) shall be applied to the education of orphan children of said Nation.

### ARTICLE IV.

These articles of cession and agreement shall be of no force or obligation upon either party until they shall be ratified and confirmed, first, by act of the National Council of said Muskogee or "Creek" Nation, and secondly, by the Congress of the United States, nor unless such ratification shall be on both sides made and completed before the first day of July, A. D. 1889.

### ARTICLE V.

No treaty heretofore made and now existing, is hereby affected, except so far as the provisions hereof supercede and control the same.

In testimony whereof, we, the said William F. Vilas, Secretary of the Interior, on the part of the United States, and said Pleasant Porter, David M. Hodge and Esparhecher, delegates of the Muskogee or "Creek" Nation, have hereunto

set our hands and seals, at the place and on the day first above written in duplicate.

(Signed) WM. F. VILAS,  
Secretary of the Interior.

(Signed) PLEASANT PORTER, [Seal]

(Signed) DAVID M. HODGE, [Seal]

(Signed) ESPARHECHER, his + mark [Seal]

In presence of JOHN P. HUME,  
ROBERT V. BELT.

*Therefore be it enacted by the National Council of the Muskogee or "Creek" Nation:*

SECTION 413. That the said and foregoing cession and agreement made and entered into at the City of Washington, D. C., on the 19th day of January, 1889, by and between the United States of America, represented by Wm. F. Vilas, Secretary of the Interior, by, and under the direction of the President of the United States, and the Muskogee or "Creek" Nation of Indians, represented by Pleasant Porter, David M. Hodge and Esparhecher, delegates and representatives thereto, duly authorized and empowered by the Principal Chief and National Council of the said Muskogee or "Creek" Nation, be, and the same is hereby accepted, ratified and confirmed, and that the grant and cession of the lands and territories therein made, shall take effect when the same shall be ratified and confirmed by the Congress of the United States of America.

Approved January 31st, 1889.

AN ACT asking for the appropriation and payment of the sums of money agreed upon by the delegates of the Muskogee Nation and the authorities of the United States as the price of the lands ceded to the United States by the treaty of 1866:

*Whereas*, The sale to the United States under agreement of January 19th, A. D. 1889, of the lands ceded to the United States by the treaty of 1866, has been approved and confirmed by the National Council of the Muskogee Nation, Therefore,

*Be it enacted by the National Council of the Muskogee Nation:*

SECTION 414. That the Congress of the United States is hereby requested to appropriate the full sums of money agreed upon as the price of said lands. That is to say, the amount to be invested for the benefit of the Muskogee Nation, and the amount to be paid in money directly to the proper authorities of the said Muskogee Nation. And the said amount which is to be paid in money, to be paid over in such sums and at such times and places as may be required directly to the National Treasurer of the Muskogee Nation, or to such officer or other person or persons as shall be named in the requisition of the proper authorities of the Muskogee Nation. And the proper authorities of the Muskogee Nation for the purpose of making such requisition, is hereby declared to be the National Council of the Muskogee Nation, or such officer or other person or persons as shall be designated and authorized by an act or a resolution of the said National Council for that purpose; and such requisition or requisitions when made shall be taken and accepted as, and is, and are, hereby declared to be the requisition of the proper authorities of the Muskogee Nation.

Approved January 31st, 1889.

AN ACT to authorize a requisition to be made for a portion of the amount that may be appropriated by Congress for payment to the Muskogee Nation under the agreement of January 19th, A. D. 1889, for its interest in and to the lands ceded to the United States by the treaty of 1866.

*Be it enacted by the National Council of the Muskogee Nation:*

SECTION 415. That the Principal Chief of the Muskogee Nation be, and he is hereby authorized and directed, for and on behalf of the Muskogee Nation, to make requisition upon the proper authorities of the United States in such form as may be required by such authorities for the payment to Pleasant Porter, David M. Hodge and Esparhecher, the duly authorized delegates of the Muskogee Nation, or, in the event of the death or inability to act of any or either of them, then to the surviving member or members of them, of the sum of 10 per cent. of the additional price of the land ceded to the United States by treaty of 1866, under the agreement of January 19th, A. D. 1889, between Hon. Wm. F. Vilas, Secretary of the Interior, and said delegates. The same to be paid out of the amount that may be appropriated by Congress, to be paid in money to the Muskogee Nation on account of the purchase of said lands. The same to be paid in such sums and at such times and places as shall be requested by said delegates, and such requisition, when made, shall be taken and accepted as, and is hereby declared to be the requisition of the proper authorities of the Muskogee Nation.

Approved January 31st, 1889.

AN ACT authorizing requisition to be made for the payment of a portion of the amount that may be appropriated by Congress for payment to the Muskogee Nation and under the agreement of January 19th, A. D. 1889, for its interest in and to the land ceded to the United States by treaty of 1866.

*Be it enacted by the National Council of the Muskogee Nation:*

SECTION 416. That the Principal Chief of the Muskogee

Nation be, and he is hereby authorized and directed, for and on behalf of the Muskogee Nation to make requisition upon the proper authorities of the United States, in such form as may be required by such authorities, for the payment to Pleasant Porter, David M. Hodge and Esparhecher, the duly authorized delegates of the Muskogee Nation, or, in the event of the death or inability to act of any of them, then to the surviving member or members of them, of the sum of forty-two thousand one hundred and ninety-eight (\$42,198.00) dollars out of the amount that may be appropriated by Congress, to be paid in money to the Muskogee Nation on account of the purchase of the land ceded by the treaty of 1866, under the agreement of January 19th, A. D. 1889, between Hon. Wm. F. Vilas, Secretary of the Interior, and said delegates. The same to be paid in such sums and in such places as shall be requested by said delegates, and such requisition, when made, shall be taken and accepted as, and is hereby declared to be the requisition of the proper authorities of the Muskogee Nation.

Approved February 1st, 1889.

AN ACT to ratify and confirm a certain agreement made and entered into by and between the Muskogee Nation and Samuel J. Crawford.

*Whereas*, The Muskogee or "Creek" Nation by Pleasant Porter, David M. Hodge and Esparhecher, delegates, duly appointed and empowered in that behalf, did on the eighth day of January, 1889, make, and enter into, a contract with Samuel J. Crawford, of the City of Washington and District of Columbia, and employ him as its attorney, solicitor and counsel, to appear for and on behalf of the said Muskogee or "Creek" Nation, to assist in securing an equitable adjustment of the questions arising from, or growing out of, the treaty of August 11th, 1866, between the United States and the Creek Nation of Indians, and also to assist in secur-

ing the said Nation a fair and reasonable compensation for the lands ceded to the United States by said treaty; now, therefore,

*Be it enacted by the National Council of the Muskogee or "Creek" Nation:*

SECTION 417. That the said contract made and entered into by and between the said Pleasant Porter, David M. Hodge and Esparhecher, delegates as aforesaid, and Samuel J. Crawford, of the City of Washington, be, and the same is, hereby ratified, approved and confirmed.

SEC. 418. That the Principal Chief of the Muskogee or "Creek" Nation be, and he is, hereby authorized and empowered to attach a certified copy of this act to each original copy of the said contract. This act shall take effect and be in force from and after its passage.

Approved January 31st, 1889.

AN ACT to ratify and confirm a certain contract, made and entered into between the Muskogee or "Creek" Nation and Samuel J. Crawford.

*Whereas*, The Muskogee or "Creek" Nation, by L. C. Perryman and Fi-e-maht-la, delegates duly appointed to represent the Muskogee or "Creek" Nation at Washington, did, on the 4th day of February, A. D. 1885, make and enter into a contract with Samuel J. Crawford, of the City of Washington and District of Columbia, and employ the said Samuel J. Crawford as its attorney, solicitor and counsel, to appear for and on behalf of said Nation, to do and perform any and every proper thing necessary to be done in order to secure to said Muskogee or "Creek" Nation its just rights, privileges and immunities, under the said treaty of August 11th, 1866, and under any laws of Congress relating to said treaty, and the lands thereby ceded; now, therefore,



*Be it enacted by the National Council of the Muskogee or "Creek" Nation:*

SECTION 419. That the said contract, made and entered into by and between the said L. C. Perryman, and Fie-maht-la, delegates of the said Muskogee or "Creek" Nation as aforesaid, and Samuel J. Crawford, of the City of Washington, be, and is, hereby ratified, approved and confirmed.

SEC. 420. That the Principal Chief of the Muskogee Nation be, and is, hereby authorized and empowered to attach a certified copy of this act to each original copy of the said contract.

Approved January 31st, 1889.

ARTICLE of cession and agreement entered into at Okmulgee, I. T., on the 16th day of October, A. D. 1891, by and between the United States of America, represented by Leo E. Bennett, United States Indian Agent, by authority (28140) of the Secretary of the Interior, and the Muskogee, or "Creek," Nation, represented by Joseph M. Perryman, President of the National Board of Education of said Muskogee, or "Creek," Nation, duly authorized and empowered by the National Council and Principal Chief of said Nation.

*Whereas*, By the 9th article of the treaty with the Creek Indians, made and concluded on the 14th day of June, 1866, (14th Statute, 788,) the United States selected a section of land three miles west of the town of Muskogee, and there-upon erected certain buildings which were used for Agents' purposes; and

*Whereas*, Said 9th article of the said treaty provides for the reversion of the lands thus ceded under said treaty, to the Muskogee, or "Creek," Nation, when the buildings

erected on said lands for Agency purposes are no longer used by the United States, upon said Nation paying a fair and reasonable price for said buildings.

*Now, therefore,* As the United States has ceased to use said buildings, and the Muskogee, or "Creek," Nation has paid the said Leo E. Bennett, United States Indian Agent, for the use and benefit of the United States, the sum of \$1,000.00, which is a fair and reasonable price for said building, the said Leo E. Bennett, United States Indian Agent, under and by virtue of the authority of the Secretary of the Interior, has and by these presents does forever relinquish, quit claim, and set over to the Muskogee Nation, without reservation or condition, all and every claim, estate, right or interest of any and every description in, or to, said section of land lying about three miles west of Muskogee, and all of the improvements thereon, to wit:

One stone building, one frame building, one frame barn, all other houses, all fences, and any and every improvement thereupon.

These articles of agreement shall be in force and binding obligation so soon as the delivery of the property described and the payment of the consideration mentioned shall have been consummated by the parties at interest.

*In Testimony Whereof,* We, the said Leo E. Bennett, United States Indian Agent, and Joseph M. Perryman, President of the National Board of Education, for the respective parties whom we represent, have hereunto set our hands and seals at the place and on the day first above written in duplicate.

LEO E. BENNETT, [Seal]  
United States Indian Agent.

JOS. M. PERRYMAN, [Seal]  
President of the National Board of Education.

Witnesses: PLEASANT PORTER.

G. W. GRAYSON.

AN ACT to ratify and confirm an agreement made and entered into by and between the United States of America, represented by Leo E. Bennett, United States Indian Agent, by and under authority and direction of the Secretary of the Interior, and the Muskogee Nation, represented by Joseph M. Perryman, President of the National Board of Education, duly authorized and empowered by the Principal Chief and National Council of the Muskogee Nation.

*Whereas*, The above article of cession and agreement were entered into at Okmulgee, Indian Territory, on the 16th day of October, 1891 ; *Therefore*,

*Be it enacted by the National Council of the Muskogee Nation:*

That the said cession and agreement made and entered into at Okmulgee, Indian Territory, on the 16th day of October, 1891, by and between the United States of America, represented by Leo E. Bennett, United States Indian Agent, by and under the authority and direction of the Secretary of the Interior, and the Muskogee Nation, represented by J. M. Perryman, President of the National Board of Education, duly appointed, authorized and empowered by the Principal Chief and National Council of said Muskogee Nation, be and the same is hereby accepted, ratified and confirmed.

SECTION 421. That the said Jos. M. Perryman, President of the National Board of Education, is hereby directed to receive the said buildings and improvements from said Leo E. Bennett, and to receipt to him therefor, and the receipt of the said Jos. M. Perryman shall be taken to be and is the receipt of the National Council of the Muskogee Nation therefor.

SEC. 422. That when the section of land used by the United States under the 9th Article of the Treaty of 1866, for Agency purposes, shall revert to the Muskogee Nation,

said section of land shall be set apart and held free from all claims of settlement by individual citizens until such time as the National Council may have chosen such portion thereof as may be desirable to use in connection with the Colored Orphan School to be established in the building purchased from the United States.

Approved November 17, 1891.

## COMPACT.

*Be it enacted by the National Council of the Muskogee Nation:*

That the compact entered into between the Cherokee, Muskogee, Seminole, Osage, and other nations, on the fourth of June, 1870, at Okmulgee, Muskogee Nation, be and the same is hereby accepted and adopted.

## COMPACT.

*Whereas*, The late war has extinguished our ancient council fires, and changed our position in regard to each other; and,

*Whereas*, By solemn treaties we are assured by the Government of the United States that the lands we possess shall be the undisturbed home of ourselves and our posterity forever; therefore,

We, the authorized representatives of the several nations, parties hereto, assembled around the great council fire at Okmulgee, Muskogee Nation, in order to preserve the existence of our race, to renew and cultivate just and friendly relations between our several communities, to secure to all their respective rights, and to promote the general welfare, do enter into the following compact:

SECTION 1. Peace and friendship shall be forever maintained between the nations, parties to this compact, and their respective citizens.

SEC. 2. Revenge shall not be cherished, nor retaliation be practiced for offenses committed by individuals.

SEC. 3. To provide for the improvement of our people in agriculture, manufactures and other domestic arts

adapted to promote the comfort and happiness of our women and children, a fixed and permanent location on our own lands is an indispensable condition. In order, therefore, to secure these important objects, to prevent any future removal, and to transmit to our posterity an unimpaired title to the lands guaranteed to our respective nations by the United States, we hereby pledge ourselves to each other solemnly that no nation, party to this compact, shall without the consent of all the other parties, cede or in any manner alienate to the United States, or any railroad company or corporation, any part of their present domain within the limits of the Indian Territory, permanently guaranteed to them by the United States, except for the purposes and in the manner authorized by existing treaties between the United States and the respective nations, parties to this compact.

SEC. 4. If a citizen of one nation commits willful murder or other crime within the limits of another nation, party hereto, he shall be subject to the same treatment as if he were a citizen of that nation. In cases of property stolen or taken by force or fraud, the property, if found, shall be restored to the owner, but if not found, the convicted person shall pay the full value thereof.

SEC. 5. If a citizen of any nation, party to this compact, shall commit murder or other crime, and flee from justice into the territory of any other nation party hereto, such criminal shall, on demand of the Principal Chief of the nation from which he fled, accompanied with reasonable proof of his guilt, be delivered up to the authorities of the nation having jurisdiction of the crime.

SEC. 6. We hereby further agree, that if any one of our respective citizens shall commit murder or other crime upon the person of any other citizen in any place beyond the limits of our several territories, the person so offending shall be subject to the same treatment as if the offense had been committed within the limits of his own nation.

SEC. 7. Any citizen of one nation may be admitted to citizenship of any other nation party hereto, by consent of the proper authorities of said nation.

SEC. 8. The use of ardent spirits being a frightful source of crime and misfortune, we recommend its suppression, within our respective limits, and agree that no citizen of one nation shall introduce it into the territory of any other nation party to this compact ; and in case of such violation, he shall be dealt with according to the laws of the nation in which the offense was committed.

SEC. 9. The executive of any nation, deeming it necessary to call the International Council, shall have the right to convene a general council of the parties to this compact.

SEC. 10. Any nation or tribe who may wish to become a party to this compact, shall have the right to do so by signing the same through their proper authorities.

SEC. 11. The articles in the foregoing compact shall be deemed binding on the parties when approved by their respective national councils.

## COMPACT BETWEEN THE SEVERAL TRIBES OF THE INDIAN TERRITORY, AS AMENDED.

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SECTION 1. *Whereas*, By the solemn pledges of treaties we are assured by the Government of the United States that the lands we now possess shall be the undisturbed home of ourselves and our posterity forever; *therefore*, we, the authorized representatives of the several nations parties hereto, assembled in convention at Eufaula, I. T., in order to establish closer relations between our several nations, to enable us better to promote the general welfare of all the Indians and to preserve our lands and rights intact, do enter into the following compact:

SEC. 2. Peace and friendship shall forever be maintained between the nations parties to this compact, and between their respective citizens.

SEC. 3. Revenge shall not be cherished, nor retaliation practiced for offenses committed by individuals.

SEC. 4. To provide for the improvement of our people in agriculture, manufactures and other domestic arts adapted to promote the comfort and happiness of our women and children, a fixed and permanent location on our lands is an indispensable condition.

In order, therefore, to secure these important objects, to prevent any future removal and to transmit to our posterity an unimpaired title to the lands guaranteed to our respective nations by the United States, we hereby solemnly pledge ourselves to each other, that no nation party to this compact shall, without the consent of the other parties, cede or in any manner alienate to the United States any part of their present territory.



SEC. 5. If a citizen of one nation commits willful murder, or other crime, within the limits of another nation, party hereto, he shall be subject to the same treatment as if he were a citizen of that nation.

SEC. 6. In cases of property stolen, or taken by force or fraud, the property if found shall be restored to the owner; but if not found, the convicted person shall pay the full value thereof.

SEC. 7. If a citizen of any nation, party to this compact, shall commit murder or other crime, and flee from justice into the territory of another nation, party hereto, such criminal shall, on demand of the executive of the nation from which he fled (accompanied with reasonable proof of guilt), be delivered up to the authorities of the nation having jurisdiction of the crime.

SEC. 8. We hereby further agree: That if any one of our respective citizens shall commit murder, or other crime, upon the person of any other citizen of the same nation, in any place beyond the limits of our several nations, the person so offending shall be subject to the same treatment as if the offense had been committed within the limits of his own nation. *Provided*, This section shall not apply to the Choctaws, Cherokees, Creeks, Chickasaws and Seminoles.

SEC. 9. Any citizen of our nation may be admitted to citizenship in another nation, party hereto, by consent of the proper authorities of such nation.

SEC. 10. The use of ardent spirits being a fruitful source of crime and misfortune, we recommend its suppression within our respective limits; and agree that no citizen of one nation shall introduce it into the territory of any other nation, party to this compact.

SEC. 11. That remedy at law for the recovery of any debts, or the enforcement of any contract, or to secure any right or demand held by the citizen of one nation against a citizen of another nation, or a citizen of the same nation against another citizen residing in the other nation, shall be

the same in all respects as between citizens within their own nation. The object of this provision being to open the courts of the nations, party to this compact, fully to the citizens of all the other nations.

SEC. 12. The legislative authorities of the nations, parties to this compact, may regulate by law the time, manner and conditions upon which the citizens of the other nations, parties to this compact, may be allowed to reside within its limits for the purpose of trade, stock raising, farming or other business, or pleasure, and certificates signed by the Principal Chief and attested by the seal of the nation to which the person availing himself of the benefits of any law regulating such privileges shall be taken and held as *prima facie* evidence of the citizenship of such person.

SEC. 13. In cases of difficulty unfortunately arising between two or more tribes to this compact, it is agreed that the same shall be referred for settlement to the chief or chiefs of such nations as the parties differing may mutually agree upon, and the award of such arbitration shall be final and obligatory in character upon the parties.

SEC. 14. This compact shall be obligatory on parties thereto when approved by the National Council of such nation.

*Resolved*, That this Council when it adjourns do so to meet the first Tuesday in June, 1887, unless sooner called together by the executives of the five civilized tribes.

S. H. BENGE, Chairman.

SAM GRAYSON, Clerk.

#### ACT ACCEPTING AMENDMENT TO COMPACT.

The amendment to the compact subsisting between the Creeks, Cherokees and Osages, made and entered into by the International Council held at Eufaula, I. T., in March, 1886, is hereby accepted and adopted.

Approved October 14th, 1887.

## UNITED STATES STATUTES WHICH AFFECT THE CITIZENS OF THE MUSKOGEE NATION.

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### UNITED STATES STATUTES—INDIAN AFFAIRS.

SECTION 2064. Indian agents are authorized to make acknowledgments of deeds and other instruments of writing, and to administer oaths in investigations committed to them in Indian country, pursuant to such rules and regulations as may be prescribed for that purpose by the Secretary of the Interior, and acknowledgments so taken shall have the same effect as if taken before a justice of the peace.

SEC. 2078. No person employed in Indian affairs shall have any interest or concern in any trade with the Indians, except for, and on account of the United States, and any person offending herein shall be liable to a penalty of five thousand dollars and shall be removed from his office.

SEC. 2083. \* \* \* \* All purchases on account of Indians, and all payments to them \* \* shall be made by such person as the President shall designate for that purpose.

SEC. 2087. No annuities, or moneys, or goods shall be paid or distributed to Indians while they are under the influence of any description of intoxicating liquor, nor while there are good and sufficient reasons leading the officers or agents, whose duty it may be to make such payments or distribution, to believe that there is any species of intoxicating liquor within convenient reach of the Indians. \* \* \*

SEC. 2093. All moneys received from the sale of lands that have been, or may be hereafter, ceded to the United States by Indian tribes, by treaties providing for the investment or payment to the Indians, parties thereto, of the pro-

ceeds of the lands ceded by them, respectively, after deducting the expenses of survey and sale, any sums stipulated to be advanced, and the expenses of fulfilling any engagements contained therein, shall be paid into the Treasury in the same manner that moneys received from public lands are paid into the Treasury.

SEC. 2094. All sums that are or may be required to be paid, and all moneys that are or may be required to be invested by the treaties mentioned in the preceding section, are appropriated in conformity to them, and shall be drawn from the Treasury as other public moneys are drawn therefrom, under such instructions as may from time to time be given by the President.

SEC. 2095. All investments of stock that are or may be required by treaties with the Indians, shall be made under the direction of the President; and special accounts of the funds under such treaties shall be kept at the Treasury, and statements thereof shall be annually laid before Congress.

SEC. 2096. The Secretary of the Interior shall invest, in a manner which shall be in his judgment most safe and beneficial for the fund, all moneys that may be received under treaties containing stipulations for the payment to the Indians, annually, of interest upon the proceeds of lands ceded by them; and he shall make no investment of such monies, or of any portion, at a lower rate of interest than five per centum per annum.

SEC. 2097. No funds belonging to any Indian tribe with which treaty relations exist, shall be applied in any manner not authorized by such treaty, or by express provisions of law.

SEC. 2099. No moneys which may be appropriated for the purpose of education among the Indian tribes shall be expended for any such object elsewhere than in Indian country. But this provision shall not apply to appropriations the expenditure of which is authorized by treaty stipula-

tions, to be made under the direction either of the President or of the Indian tribes, respectively.

SEC. 2103. No agreement shall be made by any person with any tribe of Indians, or individual Indians, not citizens of the United States, for the payment or delivery of any money or other thing of value, in present or in prospective, or for the granting or procuring any privilege to him, or any other persons, in consideration of services for said Indians relative to their lands, or to any claims growing out of, or in reference to annuities, installments or other moneys, claims, demands or things, under laws or treaties with the United States, or official acts of any officer thereof, or in any way connected with or due from the United States, unless such contract or agreement be executed and approved as follows :

*First*—Such agreement shall be in writing, and a duplicate of it delivered to each party.

*Second*—It shall be executed before a judge of a court of record, and bear the approval of the Secretary of the Interior, and the Commissioner of Indian Affairs indorsed upon it.

*Third*—It shall contain the names of all parties in interest, their residence and occupation; and if made with a tribe, by their tribal authorities; the scope of authority, and the reason for exercising that authority, shall be given specifically.

*Fourth*—It shall state the time when and the place where made, the particular purpose for which made, the special thing or things to be done under it, and, if for the collection of money, the basis of the claim, the source from which it is to be collected, the amount or rate per centum of the fee in all cases, and if any contingent matter or condition constitutes a part of the contract or agreement, it shall be specifically set forth.

*Fifth*—It shall have a fixed limited time to run, which shall be distinctly stated.

*Sixth*—The Judge before whom such contract or agreement is executed shall certify officially the time when and the place where such contract or agreement was executed and that it was in his presence, and who are the interested parties thereto, as stated to him at the time; the parties present making the same, the source and extent of authority claimed at the time by the contracting parties to make the contract or agreement, and whether made in person or by agent or attorney of either party or parties.

*Seventh*—All contracts or agreements, made in violation of this section shall be null and void, and all money or other thing of value paid to any person by any Indian or tribe, or any one else, for or on his or their behalf, on account of such services, in excess of the amount approved by the Commissioner and Secretary for such services, may be recovered by suit in the name of the United States, in any court of the United States, regardless of the amount in controversy; and one-half thereof shall be paid to the person suing for the same, and the other half shall be paid into the Treasury, for the use of the Indian or tribe by or for whom it was so paid.

SEC. 2104. No money shall be paid to any agent or attorney by an officer of the United States under any such contract or agreement, other than the fees due him for services rendered thereunder; but the moneys due the tribe, Indian or Indians, as the case may be, shall be paid by the United States, through its own officers or agents, to the party or parties entitled thereto, and no money or thing shall be paid to any person for services under such contract or agreement until such person shall have first filed with the Commissioner of Indian Affairs a sworn statement, showing each particular act of service under the contract, giving date and fact in detail, and the Secretary of the In-

terior and Commissioner of Indian Affairs shall determine therefrom whether, in their judgment such contract or agreement has been complied with or fulfilled; if so, the same may be paid, and if not, it shall be paid in proportion to the services rendered under the contract.

SEC. 2105. The person so receiving such money contrary to the provisions of the two preceding sections, and his aiders and abettors, shall, in addition to the forfeiture of such sum, be punished by imprisonment for not less than six months, and by a fine not less than one thousand dollars. And it shall be the duty of all District Attorneys to prosecute such cases when applied to to do so, and their failure and refusal shall be ground for their removal from office. Any Indian Agent or other person in the employment of the United States, who shall, in violation of the provisions of the preceding section, advise, sanction, or in any way aid in the making of such contracts or agreements, or in making such payments as are here prohibited, shall, in addition to the punishment herein imposed on the person making such contract, or receiving such money, be, on conviction, dismissed from the service of the United States, and be forever disqualified from holding any office of profit or trust under the same.

SEC. 2106. No assignment of any contracts embraced by Section 2103, or of any part of one shall be valid, unless the names of the assignees and their residences and occupations be entered in writing upon the contract, and the consent of the Secretary of the Interior and the Commissioner of Indian Affairs to such assignment be also indorsed thereon.

SEC. 2108. The Secretary of the Interior is directed to cause settlements to be made with all persons appointed by Indian Councils to receive moneys due to incompetent or orphan Indians, and to require all moneys found due to such incompetent, or orphan Indians, to be returned to the Treasury; and all moneys so returned shall

bear interest at the rate of six per centum per annum, until paid by order of the Secretary of the Interior to those entitled to the same. No money shall be paid to any person appointed by any Indian council to receive moneys due to incompetent or orphan Indians, but the same shall remain in the Treasury of the United States until ordered to be paid by the Secretary to those entitled to receive the same, and shall draw six per centum interest until so paid.

SEC. 2111. Every person who sends any talk, speech, message or letter, to any Indian nation, tribe, chief or individual, with an intent to produce a contravention or infraction of any treaty or law of the United States, or to disturb the peace and tranquility of the United States, is liable to a penalty of two thousand dollars.

SEC. 2112. Every person who carries or delivers any talk, message, speech or letter, intended to produce a contravention or infraction of any treaty or law of the United States, or to disturb the peace and tranquility of the United States, knowing the contents thereof, to or from any Indian nation, tribe, chief or individual, from or to any person or persons whatever, residing within the United States, or from or to any subject, citizen or agent of any foreign power or state, is liable to a penalty of one thousand dollars.

SEC. 2113. Every person who carries on a correspondence, by letter or otherwise, with any foreign nation or power, with an intent to induce such foreign nation or power, to excite any Indian nation, tribe, chief or individual to war against the United States, or to the violation of any existing treaty; or who alienates, or attempts to alienate, the confidence of any Indian or Indians from the Government of the United States, is liable to a penalty of one thousand dollars.

SEC. 2114. The President is authorized to exercise general superintendence and care over any tribe or nation which was removed upon an exchange of territory under authority of the acts of May twenty-eight, eighteen hundred and



thirty: "To provide for an exchange of lands with the Indians residing in any of the States or Territories, and for their removal west of the Mississippi," and to cause such tribe or nation to be protected, at their new residence, against all interruption or disturbance from any other tribe or nation of Indians, or from any other person or persons whatever.

SEC. 2115. Whenever it becomes necessary to survey any Indian or other reservations, or any lands, the same shall be surveyed under the direction and control of the General Land Office, and as nearly as may be in conformity to the rules and regulations under which other public lands are surveyed.

SEC. 2116. No purchase, grant, lease, or other conveyance of lands, or of any title or claim thereto, from any Indian nation or tribe of Indians, shall be of any validity in law or equity, unless the same be made by treaty or convention entered into pursuant to the Constitution. Every person, who, not being employed under the authority of the United States, attempts to negotiate such treaty or convention, directly or indirectly, or to treat with any such nation or tribe of Indians, for the title or purchase of any lands by them held or claimed, is liable to a penalty of one thousand dollars.

SEC. 2117. Every person who drives or otherwise conveys any stock of horses, mules or cattle, to range and feed on any land belonging to any Indian or Indian tribe, without the consent of such tribe, is liable to a penalty of one dollar for each animal of such stock.

SEC. 2118. Every person who makes a settlement on any lands belonging, secured, or granted by treaty with the United States to any Indian tribe, or surveys or attempts to survey such lands, or to designate any of the boundaries by marking trees or otherwise, is liable to a penalty of one thousand dollars. The President may, moreover, take such

measures and employ such military force as (he) may judge necessary to remove any such person from the lands.

SEC. 2126. In all trials about the right of property in which an Indian may be a party on one side and a white person on the other, the burden of proof shall rest upon the white person, whenever the Indian shall make out a presumption of title in himself from the fact of previous possession or ownership.

SEC. 2128. Any loyal person, a citizen of the United States, of good moral character, shall be permitted to trade with any Indian tribe, upon giving bond to the United States, in the penal sum of not less than five nor more than ten thousand dollars, with at least two good securities, to be approved by the superintendent of the district within which such person proposes to trade, or by the United States District Judge or District Attorney for the district in which the obligor resides, renewable each year, conditioned that such person shall faithfully observe all laws and regulations made for the government of trade and intercourse with the Indian tribes, and in no respect violate the same.

SEC. 2129. No person shall be permitted to trade with any of the Indians in the Indian country, without a license therefor from a Superintendent of Indian Affairs, or Indian Agent, or sub-agent, which licenses shall be issued for a term not exceeding two years for the tribes east of the Mississippi, and not exceeding three years for the tribes west of that river.

SEC. 2130. Any superintendent or agent may refuse an application for a license to trade, if he is satisfied that the applicant is a person of bad character, or that it would be improper to permit him to reside in the Indian country, or if a license, previously granted to such applicant, has been revoked, or a forfeiture of his bond has been decreed. But an appeal may be had from the agent or the superintendent to the Commissioner of Indian Affairs.

SEC. 2131. The Superintendent of the district shall have power to revoke and cancel any license to trade within the Indian country whenever the person licensed has, in his opinion, transgressed any of the laws or regulations provided for the government of trade and intercourse with the Indian tribes, or whenever, in his opinion, it is improper to permit such person to remain in the Indian country. No trade with the tribes shall be carried on within their boundary, except at certain suitable and convenient places, to be designated from time to time by the superintendents, agents and sub-agents and to be inserted in the license. The person granting or revoking such licenses shall forthwith report the same to the Commissioner of Indian Affairs for his approval or disapproval.

SEC. 2132. The President is authorized, whenever in his opinion the public interest may require the same, to prohibit the introduction of goods, or of any particular article, into the country belonging to any Indian tribe, and to direct all licenses to trade with such tribe to be revoked, and all applications therefor to be rejected. No trader to any other tribe shall, so long as such prohibition may continue, trade with any Indians of or for the tribe against which such prohibition is issued.

SEC. 2133. Any person, other than an Indian, who shall attempt to reside in the Indian country as a trader, or to introduce goods, or to trade therein without such license, shall forfeit all merchandise offered for sale to the Indians, or found in his possession, and shall moreover be liable to a penalty of five hundred dollars.

SEC. 2134. Every foreigner who shall go into the Indian country without a passport from the Department of the Interior, Superintendent, Agent, or Sub-Agent of Indian Affairs, or officer of the United States commanding the nearest military post on the frontiers, or who shall remain intentionally therein after the expiration of such passport, shall be liable to a penalty of one thousand dollars. Every

such passport shall express the object of such person, the time he is allowed to remain, and the route he is to travel.

SEC. 2135. Every person, other than an Indian, who, within the Indian country, purchases or receives of any Indian, in the way of barter, trade, or pledge, a gun, trap, or other article commonly used in hunting, any instrument of husbandry, or cooking utensils of the kind commonly obtained by the Indians in their intercourse with the white people, or any article of clothing, except skins or furs, shall be liable to a penalty of fifty dollars.

SEC. 2137. Every person, other than an Indian, within the limits of any tribe with whom the United States has existing treaties, who hunts or traps, or takes and destroys any peltries or game, except for subsistence, in the Indian country, shall forfeit all the traps, guns, and ammunition in his possession, used or procured to be used for that purpose, and all peltries so taken, and shall be liable in addition to a penalty of five hundred dollars.

SEC. 2138. Every person who drives or removes, except by authority of an order lawfully issued by the Secretary of War, connected with the movement or subsistence of troops, any cattle, horses, or other stock from the Indian country, for the purpose of trade or commerce, shall be punishable by imprisonment for not more than three years, or by a fine of not more than five thousand dollars, or both.

SEC. 2139. No ardent spirits shall be introduced, under any pretense, into the Indian country. Every person, except an Indian, in the Indian country, who sells, exchanges, gives, barter or disposes of any spirituous liquors or wine, to any Indian under the charge of any Indian superintendent or agent, or introduces or attempts to introduce, any spirituous liquors or wine into the Indian country, shall be punishable by imprisonment for not more than two years, and by a fine of not more than three hundred dollars. But it shall be a sufficient defense to any charge of introducing or attempting to introduce liquor into the Indian country

that the acts charged were done by order of or under authority from the War Department, or any officer duly authorized thereunto by the War Department.

SEC. 2140. If any Superintendent of Indian Affairs, Indian Agent, or Sub-Agent, or commanding officer of a military post, has reason to suspect or is informed that any white person or Indian is about to introduce, or has introduced, any spirituous liquor or wine into the Indian country in violation of law, such Superintendent, Agent, Sub-Agent, or commanding officer, may cause the boats, stores, packages, wagons, sleds, and places of deposit of such persons to be searched; and if any such liquor is found therein, the same, together with the boats, teams, wagons and sleds used in conveying the same, and also the goods, packages and peltries of such person shall be seized and delivered to the proper officer, and shall be proceeded against by libel in the proper court, and forfeited—one-half to the informer, and the other half to the use of the United States; and if such person be a trader his license shall be revoked and his bond put in suit. It shall moreover be the duty of any person in the service of the United States, or of any Indian, to take and destroy any ardent spirits or wine found in the Indian country, except such as may be introduced therein by the War Department. In all cases arising under this and the preceding section, Indians shall be competent witnesses.

SEC. 2141. Every person who shall, within the Indian country, set up or continue any distillery for manufacturing ardent spirits, shall be liable to a penalty of one thousand dollars; and the Superintendent of Indian Affairs, Indian Agent or Sub-Agent, within the limits of whose agency any distillery of ardent spirits is set up or continued, shall forthwith destroy and break up the same.

SEC. 2142. Every white person who shall make an assault upon an Indian or other person, and every Indian who shall

make an assault upon a white person, within the Indian country, with a gun, rifle, sword, pistol, knife, or any other deadly weapon, with intent to kill or maim the person so assaulted, shall be punishable by imprisonment, at hard labor, for not more than five years, nor less than one year.

SEC. 2143. Every white person who shall set fire, or attempt to set fire, to any house, out-house, cabin, stable or other building in the Indian country, to whomsoever belonging, and every Indian who shall set fire to any house, out-house, cabin, stable, or other building, in the Indian country, in whole or in part belonging to or in lawful possession of a white person, whether the same be consumed or not, shall be punishable by imprisonment, at hard labor, for not more than twenty-one years, nor less than two years.

SEC. 2144. The general laws of the United States, defining and prescribing punishments for forgery and for depredations upon the mails, shall extend to the Indian country.

SEC. 2145. Except as to crimes the punishment of which is expressly provided for in this title, the general laws of the United States as to the punishment of crimes committed in any place within the sole and exclusive jurisdiction of the United States, except the District of Columbia, shall extend to the Indian country.

SEC. 2146. The preceding section shall not be construed to extend to (*crimes committed by one Indian against the person and property of another Indian, nor to*) any Indian committing any offense in the Indian country who has been punished by the local law of the tribe, or to any cause where, by treaty stipulations, the exclusive jurisdiction over such offenses is, or may be, secured to the Indian tribes respectively.

SEC. 2147. The Superintendent of Indian Affairs, and the Indian Agents and Sub-Agents, shall have authority to remove from the Indian country all persons found therein

contrary to law, and the President is authorized to direct the military force to be employed in such removal.

SEC. 2148. If any person who has been removed from the Indian country, shall thereafter at any time return, or be found within the Indian country, he shall be liable to a penalty of one thousand dollars.

SEC. 2149. The Commissioner of Indian Affairs is authorized and required, with the approval of the Secretary of the Interior, to remove from any tribal reservation any person being therein without authority of law, or whose presence within the limits of the reservation may, in the judgment of the commissioner, be detrimental to the peace and welfare of the Indians; and may employ for the purpose such force as may be necessary to enable the agent to effect the removal of such persons.

SEC. 2150. The military forces of the United States may be employed in such manner and under such regulations as the President may direct:

*First*—In the apprehension of every person who may be in the Indian country in violation of law, and in conveying him immediately from the Indian country, by the nearest convenient and safe route, to the civil authority of the Territory or Judicial District in which such person shall be found, to be proceeded against in due course by law.

*Second*—In the examination and seizure of stores, packages and boats authorized by law.

*Third*—In preventing the introduction of persons and property into the Indian country contrary to law; which persons and property shall be proceeded against according to law.

*Fourth*—And also in destroying and breaking up any distillery for manufacturing ardent spirits set up or continued within the Indian country.

SEC. 2151. No person apprehended by military force under the preceding section shall be detained longer than five days after arrest and before removal. All officers and soldiers who may have any such person in custody shall treat him with all the humanity which the circumstances will permit.

SEC. 2152. The Superintendents, Agents and Sub-Agents shall endeavor to procure the arrest and trial of all Indians accused of committing any crime, offense or misdemeanor, and of all other persons who may have committed crimes or offenses within any State or Territory, and have fled into the Indian country, either by demanding the same of the chiefs of the proper tribe, or by such other means as the President may authorize. The President may direct the military force of the United States to be employed in the apprehension of such Indians, and also in preventing or terminating hostilities between any of the Indian tribes.

SEC. 2154. Whenever, in the commission by a white person of any crime, offense or misdemeanor, within the Indian country, the property of any friendly Indian is taken, injured or destroyed, and a conviction is had for such crime, offense or misdemeanor, the person so convicted shall be sentenced to pay such friendly Indian to whom the property may belong, or whose person may be injured, a sum equal to twice the just value of the property so taken, injured or destroyed.

SEC. 2155. If such offender shall be unable to pay a sum at least equal to the just value or amount, whatever such payment shall fall short of, the same shall be paid out of the Treasury of the United States. If such offender cannot be apprehended and brought to trial, the amount of such property shall be paid out of the Treasury. But no Indian shall be entitled to any payment out of the Treasury of the United States for any such property, if he, or any of the nation to which he belongs, have sought private revenge,



or have attempted to obtain satisfaction by any force or violence.

SEC. 2156. If any Indian, belonging to any tribe in amity with the United States, shall, within the Indian country, take or destroy the property of any person lawfully within such country, or shall pass from the Indian country into any State or Territory inhabited by citizens of the United States, and there take, steal or destroy any horse or other property belonging to any citizen or inhabitant of the United States, such citizen or inhabitant, his representative, attorney or agent, may make application to the proper superintendent, agent, or sub-agent, who, upon being furnished with the necessary documents and proofs, shall, under the direction of the President, make application to the nation or tribe to which such Indian shall belong for satisfaction; and if such nation or tribe shall neglect or refuse to make satisfaction in a reasonable time, not exceeding twelve months, such superintendent, agent, or sub-agent shall make return of his doings to the Commissioner of Indian Affairs, that such further steps may be taken as shall be proper, in the opinion of the President, to obtain satisfaction for the injury.

SEC. 2157. The superintendent, agents and sub-agents, within their respective districts, are authorized and empowered to take depositions of witnesses touching any depredations within the purview of the three preceding sections, and to administer oaths to the deponents.

SEC. 2434. The provisions of all the bounty land laws shall be extended to Indians in the same manner and to the same extent as to white persons.

SEC. 4705. The widows of colored and Indian soldiers and sailors who have died, or shall hereafter die, by reason of wounds or injuries received, or casualty received, or disease contracted in the military or naval service of the United States, and in the line of duty, shall be entitled to receive the pension provided by law without other evidence of mar-

riage than satisfactory proof that the parties were joined in marriage by some ceremony deemed by them obligatory, or habitually recognized each other as man and wife, and were so recognized by their neighbors, and lived together as such up to the date of enlistment, when such soldier or sailor died in the service, or, if otherwise, to date of death; and the children born of any marriage so proved shall be deemed and held to be lawful children of such soldier or sailor; but this section shall not be applicable to any claim on account of persons who enlist after the third day of March, one thousand eight hundred and seventy-three.

SEC. 4714. Declarations of pension claimants shall be made before a court of record, or by some officer thereof having custody of its seal, said officer hereby being fully authorized and empowered to administer and certify any oath or affirmation relating to any pension or application therefor; *provided*, that the commissioner of pensions may designate, in localities more than twenty-five miles distant from any place at which such a court is holden, persons duly qualified to administer oaths, before whom declarations may be made and testimony taken, and may accept declaration of claimants residing in foreign countries, made before a United States Minister or Consul, or before some officer of the country duly authorized to administer oaths for general purposes, and whose official character and signature shall be duly authenticated by certificate of a United States Minister or Consul; declarations in claims of Indians made before a United States Agent; and declarations in claims under the provisions of this title relating to pensions for services in war of eighteen hundred and twelve, made before an officer duly authorized to administer oaths for general purposes, when the applicants, by reason of infirmity or age, are unable to travel; *provided*, that any declaration made before an officer duly authorized to administer oaths for general purposes shall be accepted to exempt a claim

from the limitation as to date of filing prescribed in Section 4709.

AN ACT to authorize the Secretary of the Interior to negotiate with the Creek Indians for the cession of a portion of their reservation occupied by friendly Indians.

*Whereas*, By the third article of the treaty concluded with the Creek Indians, June fourteenth, eighteen hundred and sixty-six, said Indians ceded to the United States, for the settlement of friendly Indians and freedmen, the west half of their entire domain, to be divided by a line running North and South; and, whereas, the recent survey of said line, made in conformity with the provisions of said treaty, includes within the limits of the Creek reservation, east of said line, some of the improvements made on a reservation selected on what was supposed to be the Creek ceded lands for the Seminole tribe of Indians, which reservation is provided for in their treaty of March first, eighteen hundred and sixty-six, and also some of the improvements of the Sacs and Foxes, of the Mississippi tribe of Indians, made on a reservation intended to be established in accordance with the provision of their treaty of February eighteenth, eighteen hundred and sixty-seven; and whereas, said improvements have been made upon said lands, by and for the aforesaid Indians, who have settled thereupon in good faith, in accordance with treaty stipulations; and whereas, it is necessary, in order to secure these improvements to said Indians, and to secure them suitable reservations, that the lands occupied thereby should be granted to them; therefore,

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*: That the Secretary of the Interior be, and he hereby is, authorized to negotiate with the aforesaid Creek Indians for the relinquishment to the United States of such portion of their country as may have been set apart, in accordance with treaty stipulations, for the use of the Seminoles, and

the Sacs and Foxes, of the Mississippi tribe of Indians, respectively, found to be east of the line separating the Creek ceded lands from the Creek reservation, and also to negotiate and arrange with said tribes for a final and permanent adjustment of their reservations; and the Secretary shall report the result to Congress. \* \* \*

SEC. 15. That any Indian born in the United States, who is the head of a family, or who has arrived at the age of twenty-one years, and who has abandoned, or may hereafter abandon, his tribal relations, shall, on making satisfactory proof of such abandonment, under rules to be prescribed by the Secretary of the Interior, be entitled to the benefit of the act entitled "An act to secure homesteads to actual settlers on the public domain;" approved May twentieth, eighteen hundred and sixty-two, and the acts amendatory thereof, except that the provision of the eighth section of the said act shall not be held to apply to entries made under this act; *provided, however*, that the titles to lands acquired by any Indian by virtue hereof, shall not be subject to alienation or incumbrance, either by voluntary conveyance or the judgment, decree or order of any court, and shall be and remain inalienable for a period of five years from the date of the patent issued therefor; *provided*, that any such Indian shall be entitled to his distributive share of all annuities, tribal funds, lands and other property, the same as though he had maintained his tribal relations; and any transfer, alienation, or incumbrance of any interest he may hold or claim by reason of his former tribal relations shall be void.

SEC. 16. That in all cases in which Indians have heretofore entered public lands under the homestead law, and have proceeded in accordance with the regulations prescribed by the Commissioners of the General Land Office, or in which they may hereafter be allowed to so enter under said regulations prior to the promulgation of regulations to be established by the Secretary of the Interior, under the

fifteenth section of this act, and in which the conditions prescribed by law have been or may be complied with, the entries so allowed are hereby confirmed, and the patents shall be issued thereon; subject, however, to the restrictions and limitations contained in the fifteenth section of this act in regard to alienation and incumbrance.

AN ACT to authorize the Kansas and Arkansas Valley Railway to construct and operate a railway through the Indian Territory, and for other purposes.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled:*

That the Kansas and Arkansas Valley Railway, a corporation created under and by virtue of the laws of the State of Arkansas, be, and the same is, hereby invested and empowered with the right of locating, constructing, owning, equipping, operating, using, and maintaining a railway and telegraph and telephone line through the Indian Territory, beginning at a point on the eastern line of said Territory at or near the City of Fort Smith, in the State of Arkansas; thence running, by the most feasible and practicable route, in a northwesterly direction, through the Indian Territory, to such point on the northern boundary line of said Territory between the Arkansas River in Cowley County and the Caney River in Chautauqua County, Kansas, as said corporation may select; also a branch line of railway to be constructed from the most suitable point on said main line for making a connection with a line of railroad of the Southern Kansas Railway Company terminating at or near Coffeyville, in the said State of Kansas, and at or near the southern boundary line thereof, and running thence from such suitable point on said main line in a northerly direction, and by the most feasible and practicable route, to the northern boundary line of said Indian Territory at or near Coffeyville aforesaid, with the right to construct, use, and maintain such tracks,

turnouts and sidings as said company may deem it to their interest to construct along and upon the right of way and depot grounds herein provided for.

SEC. 2. That said corporation is authorized to take and use for all purposes of a railway, and for no other purpose, a right of way one hundred feet in width through said Indian Territory for said main line and branch of the Kansas and Arkansas Valley Railway, and to take and use a strip of land two hundred feet in width, with a length of three thousand feet, in addition to right of way, for stations, for every ten miles of road, with the right to use such additional ground where there are heavy cuts or fills as may be necessary for the construction and maintenance of the road-bed, not exceeding one hundred feet in width on each side of said right of way, or as much thereof as may be included in said cut or fill; *provided*, that no more than said addition of land shall be taken for any one station; *provided further*, that no part of the lands herein authorized to be taken shall be leased or sold by the company, and they shall not be used except in such manner and for such purposes only as shall be necessary for the construction and convenient operation of said railroad, telegraph, and telephone lines; and when any portion thereof shall cease to be so used, such portion shall revert to the nation or tribe of Indians from which the same shall have been taken.

SEC. 3. That before said railway shall be constructed through any lands held by individual occupants according to the laws, customs and usages of any of the Indian nations or tribes through which it may be constructed, full compensation shall be made to such occupants for all property to be taken or damage done by reason of the construction of such railway. In case of failure to make amicable settlement with any occupant, such compensation shall be determined by the appraisement of three disinterested referees, to be appointed one (who shall act as Chairman) by the President, one by the Chief of the nation to which

said occupant belongs, and one by said railroad company, who, before entering upon the duties of their appointment, shall take and subscribe, before a District Judge, Clerk of a District Court, or United States Commissioner, an oath that they will faithfully and impartially discharge the duties of their appointment, which oath, duly certified, shall be returned with their award to and filed with the Secretary of the Interior, within sixty days from the completion thereof; and a majority of said referees shall be competent to act in case of the absence of a member, after due notice. And upon the failure of either party to make such appointment within thirty days after the appointment made by the President, the vacancy shall be filled by the District Judge of the court held at Fort Smith, Arkansas, or at Wichita, Kansas, upon the application of the other party. The Chairman of said board shall appoint the time and place for all hearings, within the nation to which such occupant belongs. Each of said referees shall receive for his services the sum of four dollars per day for each day they are engaged in the trial of any case submitted to them under this act, with mileage at five cents per mile. Witnesses shall receive the usual fees allowed by the courts of said nations. Costs, including compensation of the referees, shall be made a part of the award, and be paid by such railroad company. In case the referees cannot agree, then any two of them are authorized to make the award. Either party being dissatisfied with the finding of the referees shall have the right, within ninety days after the making of the award and notice of the same, to appeal by original petition to the District Court held at Fort Smith, Arkansas, or the District Court held at Wichita, Kansas, which court shall have jurisdiction to hear and determine the subject matter of said petition, according to the laws of the State in which the same shall be heard provided for determining the damage when property is taken for railroad purposes. If upon the hearing of said appeal the judgment of the court shall be for a larger sum than the

award of the referees, the costs of said appeal shall be adjudged against the railway company. If the judgment of the court shall be for the same sum as the award of the referees, then the costs shall be adjudged against the appellant. If the judgment of the court shall be for a smaller sum than the award of the referees, then the costs shall be adjudged against the party claiming damages. When proceedings have been commenced in court, the railway company shall pay double the amount of the award into court to abide the judgment thereof, and then have the right to enter upon the property sought to be condemned and proceed with the construction of the railroad.

SEC. 4. The said railroad company shall not charge the inhabitants of said Territory a greater rate of freight than the rate authorized by the laws of the State of Arkansas for services or transportation of the same kind; *provided*, that passenger rates on said railway shall not exceed three cents per mile. Congress hereby reserves the right to regulate the charges for freight and passengers on said railway and messages on said telegraph and telephone lines, until a state government or governments shall exist in said Territory within the limits of which said railway, or a part thereof, shall be located; and then such State government or governments shall be authorized to fix and regulate the cost of transportation of persons and freights within their respective limits by said railway; but Congress expressly reserves the right to fix and regulate at all times the cost of such transportation by said railway or said company whenever such transportation shall extend from one State into another, or shall extend into more than one State; *provided*, however, that the rate of such transportation of passengers, local or interstate, shall not exceed the rate above expressed; *and provided further*, that said railway company shall carry the mail at such prices as Congress may by law provide; and until such rate is fixed by law the Postmaster-General may fix the rate of compensation.



SEC. 5. That said railway company shall pay to the Secretary of the Interior, for the benefit of the particular nations or tribes through whose lands said main line and branch may be located, the sum of fifty dollars, in addition to compensation provided for in this act for property taken and damages done to individual occupants by the construction of the railway, for each mile of railway that it may construct in said Territory, said payments to be made in installments of five hundred dollars as each ten miles of road is graded; *provided*, that if the General Council of either of the nations or tribes through whose lands said railway may be located shall, within four months after the filing of maps of definite location as set forth in Section 6 of this act, dissent from the allowance hereinbefore provided for, and shall certify the same to the Secretary of the Interior, then all compensation to be paid to such dissenting nation or tribe under the provisions of this act, shall be determined as provided in Section 3 for the determination of the compensation to be paid to the individual occupant of lands, with the right of appeal to the courts upon the same terms, conditions and requirements as therein provided; *provided further*, that the amount awarded or adjudged to be paid by said railway company for said dissenting nation or tribe shall be in lieu of the compensation that said nation or tribe would be entitled to receive under the foregoing provision. Said company shall also pay, so long as said Territory is owned and occupied by the Indians, to the Secretary of the Interior, the sum of fifteen dollars per annum for each mile of railway it shall construct in the said Territory. The money paid to the Secretary of the Interior under the provisions of this act, shall be apportioned by him, in accordance with the laws and treaties now in force among the different nations and tribes, according to the number of miles of railway that may be constructed by said railway company through their lands; *provided*, that Congress shall have the right, so long as said lands are

occupied and possessed by said nations and tribes, to impose such additional taxes upon said railroad as it may deem just and proper for their benefit; and any Territory or State hereafter formed through which said railway shall have been established may exercise the like power as to such part of said railway as may lie within its limits. Said railway company shall have the right to survey and locate its railway immediately after the passage of this act.

SEC. 6. The said company shall cause maps showing the route of its located lines through said Territory to be filed in the office of the Secretary of the Interior, and also to be filed in the office of the Principal Chief of each of the nations or tribes through whose lands said railway may be located; and after the filing of said maps no claim for a subsequent settlement and improvement upon the right of way shown by said maps shall be valid as against said company; *provided*, that when a map showing any portion of said railway company's located line is filed as herein provided for, said company shall commence grading said located line within six months thereafter, or such location shall be void; and said location shall be approved by the Secretary of the Interior in sections of twenty-five miles before construction of any such section shall be begun.

SEC. 7. That the officers, servants and employes of said company necessary to the construction and management of said road, shall be allowed to reside, while so engaged, upon such right of way, but subject to the provisions of the Indian intercourse laws, and such rules and regulations as may be established by the Secretary of the Interior in accordance with said intercourse laws.

SEC. 8. That the United States circuit and district courts for the Western district of Arkansas and the district of Kansas, and such other courts as may be authorized by Congress, shall have, without reference to the amount in controversy, concurrent jurisdiction over all controversies arising between said Kansas and Arkansas Valley Railway

and the nations and tribes through whose territory said railway shall be constructed. Said courts shall have like jurisdiction, without reference to the amount in controversy, over all controversies arising between the inhabitants of said nations or tribes and said railway company; and the civil jurisdiction of said courts is hereby extended within the limits of said Indian Territory, without distinction as to citizenship of the parties, so far as may be necessary to carry out the provisions of this act.

SEC. 9. That said railway company shall build at least one hundred miles of its railway in said Territory within three years after the passage of this act, or the rights herein granted shall be forfeited as to that portion not built; that said railroad company shall construct and maintain continually all road and highway crossings and necessary bridges over said railway wherever said roads and highways do now or may hereafter cross said railway's right of way, or may be by the proper authorities laid out across the same.

SEC. 10. That the said Kansas and Arkansas Valley Railway shall accept this right of way upon the express condition, binding upon itself, its successors and assigns, that they will neither aid, advise, nor assist in any effort looking toward the changing or extinguishing the present tenure of the Indians in their land, and will not attempt to secure from the Indian nations any further grant of land, or its occupancy, than is hereinbefore provided; *provided*, that any violation of the condition mentioned in this section shall operate as a forfeiture of all the rights and privileges of said railway company under this act.

SEC. 11. That all mortgages executed by said railway company conveying any portion of its railroad, with its franchises, that may be constructed in said Indian Territory, shall be recorded in the Department of the Interior, and the record thereof shall be evidence and notice of their execution, and shall convey all rights and property of said company as therein expressed.

SEC. 12. That Congress may at any time amend, add to, alter, or repeal this act.

SEC. 13. And the right of way herein and hereby granted shall not be assigned or transferred in any form whatever prior to the construction and completion of the road except as to mortgages or other liens that may be given or secured thereon to aid in the construction thereof.

Approved June 1, 1886.

## FORMER TREATIES.

THOSE PORTIONS OF FORMER TREATIES WITH THE UNITED STATES NOT SUPERSEDED NOR SUPPRESSED BY TREATY OF 1866.

## ARTICLE IV.

\* \* \* The United States will cause the sum of one thousand five hundred dollars to be paid annually to the said Creek Nation.

Proclaimed August 13th, 1790.

## ARTICLE II.

The Commissioners of the United States, for and in consideration of the foregoing concession on the part of the Creek Nation, and in full satisfaction for the same, do covenant and agree with said Nation, in behalf of the United States, that the said States shall pay to said Nation annually, and every year, the sum of three thousand dollars. \* \* \*

Proclaimed January 11th, 1803.

## ARTICLE IV.

The United States agree to pay to the said Nation an additional perpetual annuity of twenty thousand dollars.

Proclaimed January 24th, 1826.

## ARTICLE I.

The Creek tribe of Indians cede to the United States all their land east of the Mississippi River.

## ARTICLE II.

The United States engage to survey the said land as soon as the same can be conveniently done after the ratification of this treaty, and when the same is surveyed to allow ninety principal chiefs of the Creek tribe to select one section each, and every other head of a Creek family to select one-half section each, which tracts shall be reserved from sale for their use for a term of five years, unless sooner disposed of by them. A census of these persons shall be taken under the direction of the President, and the selections shall be made so as to include the improvements of each person within his selection, if the same can be so made, and if not, then all the persons belonging to the same town, entitled to selections, and who can not make the same so as to include their improvements, shall take them in one body in a proper form. And twenty sections shall be selected under the direction of the President, for orphan children of the Creeks, and divided and retained or sold for their benefit, as the President may direct; *provided, however*, that no selections or locations under this treaty shall be so made as to include the agency reserve.

## ARTICLE III.

These tracts may be conveyed by the persons selecting the same to any other persons for a fair consideration, in such manner as the President may direct. \* \* \* A title shall be given by the United States on the completion of the payments.

## ARTICLE IV.

At the end of five years, all the Creeks entitled to these selections, and desirous of remaining, shall receive patents therefor, in fee simple, from the United States.

## ARTICLE XIV.

The Creek country west of the Mississippi shall be solemnly guaranteed to the Creek Indians, nor shall any State or Territory ever have a right to pass laws for the government of such Indians, but they shall be allowed to govern themselves, so far as may be compatible with the general jurisdiction which Congress may think proper to exercise over them. And the United States will also defend them from the unjust hostilities of other Indians, and will also, as soon as the boundaries of the Creek country west of the Mississippi are ascertained, cause a patent or grant to be executed to the Creek tribe, agreeable to the 3d section of the act of Congress of May 2d (28), 1830, entitled "An act to provide for an exchange of lands with the Indians residing in any of the States or Territories, and for their removal west of the Mississippi."

Proclaimed April 4th, 1832.

## ARTICLE III.

The United States will grant a patent in fee simple to the Creek Nation of Indians for the land assigned said Nation by this treaty or Convention, whenever the same shall have been ratified by the President and Senate of the United States; and the right thus guaranteed by the United States shall be continued to said tribe of Indians so long as they shall exist as a Nation, and continue to occupy the country hereby assigned to them.

## ARTICLE V.

As an evidence of the kind feeling of the United States toward the Muskogee Indians, and as a testimonial of the (their) gratification with the present amicable and satisfactory adjustment of their difficulties with the Cherokees, experienced by the Commissioners, they agree, on

behalf of the United States, to furnish to the Creek Indians west of the Mississippi one blacksmith and one wheelwright or wagonmaker, as soon as they may be required by the Nation, in addition to those already employed; also to erect shops and furnish tools for the same, and supply the smith shops with one ton of iron and two hundred and fifty pounds of steel each, and allow the said Creek Indians annually, for education purposes, the sum of \$1,000, to be expended under the direction of the President of the United States; the whole of the above grants to be continued so long as the President may consider them conducive to the interest and welfare of the Creek Indians. \* \* \*

Proclaimed April 12th, 1834.

#### ARTICLE IV.

\* \* \* It is further agreed that all the education funds of the Creeks, including the annuities above named, the annual allowance of one thousand dollars provided in the treaty of 1833, and also all balances of appropriations for education annuities that may be due from the United States, shall be expended in their own country for the support of a manual labor school in the Canadian District, and of another in the Arkansas District; *provided*, that the President does not object to such application of the annuities above named, granted in the treaties of 1832 and 1833. And it is also agreed, that in the management of such school the wishes of the Creek Council shall be consulted.

Proclaimed March 2d, 1839.

#### ARTICLE II.

The following shall constitute and remain the boundaries of the Creek country, viz.: Beginning at the mouth of the north fork of the Canadian River, and running northerly four miles, thence running a straight line so as to meet a line drawn from the south bank of the Arkansas River,



opposite to the east or lower bank of the Grand River, at its junction with the Arkansas, and which runs a course south forty-four deg. west, one mile to a post placed in the ground; thence along said line to the Arkansas and up the same to the Verdigris River, to where the old territorial line crosses it; thence along said line north to a point twenty-five miles from the Arkansas River, where the old territorial line crosses the same; thence running west with the southern line of the Cherokee country to the north fork of the Canadian River; \* \* \* thence down said north fork to where the eastern boundary line of the said cession to the Seminoles strikes the same; thence, with that line, due south to the Canadian River, at the mouth of the Ockhi-appo or Pond Creek, and thence down said Canadian River to the place of beginning.

#### ARTICLE IV.

The United States do hereby solemnly agree and bind themselves, that no State or Territory shall ever pass laws for the government of the Creek or Seminole tribes of Indians, and that no portion of either of the tracts of country defined in the first and second articles of this agreement shall ever be embraced or included within or annexed to any Territory or State; nor shall either, or any part of either, ever be erected into a Territory without the full and free consent of the legislative authority of the tribe owning the same.

#### ARTICLE V.

The Creek Indians do hereby absolutely and forever quit-claim and relinquish to the United States all their right, title and interest in and to any lands heretofore owned or claimed by them, whether east or west of the Mississippi River, and any and all claim for or on account of any such lands, except those embraced within the boundaries de-

scribed in the second article of this agreement; and it doth also, in like manner, release and fully discharge the United States from all other claims and demands whatsoever which the Creek Nation or any individuals thereof may have against the United States, excepting only such as are particularly or in terms provided for and secured to them by the provisions of existing treaties and laws, which are as follows, viz.: Permanent annuities in money, amounting to *twenty-four thousand five hundred (\$24,500) dollars*, secured to them by the fourth article of the treaty of August seventh, seventeen hundred and ninety, the second article of the treaty of June sixteenth, eighteen hundred and two, and the fourth article of the treaty of January twenty-fourth, eighteen hundred and twenty-six: permanent provision for a wheelwright, a blacksmith and an assistant; blacksmith shop and tools, and for iron and steel, under the eighth article of the last-mentioned treaty, and costing annually one thousand seven hundred and ten dollars; two thousand dollars per annum, during the pleasure of the President, for assistance in agricultural operations, under the same treaty and article; \* \* \* one thousand dollars per annum, during the pleasure of the President, for the same object (educational), under the fifth article of the treaty of February fourteenth, eighteen hundred and thirty-three; services of a wagonmaker, blacksmith and assistant, shop and tools, iron and steel, during the pleasure of the President, under the same treaty and article, and costing one thousand seven hundred and ten dollars annually. \* \* \* The following shall also be excepted from the foregoing quitclaim, relinquishment, release and discharge, viz.: The fund created and held in trust for Creek orphans, under the second article of the treaty of March twenty-fourth, eighteen hundred and thirty-two; the right of such individuals among the Creeks, as have not received it to the compensation in money provided for by act of Congress, March third, eighteen hundred and thirty-seven, in lieu of reservations of

land to which they were entitled, but which were not secured to them under the said treaty of eighteen hundred and thirty-two; the right of the reservees under the same treaty, who did not dispose of their reservations, to the amounts for which they have been or may be sold by the United States; and the right of any such members of the tribe to military bounty lands as are entitled thereto under existing laws of the United States. The right and interest of the Creek Nation and people in and to the matters and things so excepted, shall continue and remain the same as though this Convention had never been entered into.

## ARTICLE VI.

In consideration of the foregoing quitclaim, relinquishment, release and discharge, and of a cession of a country for the Seminole Indians, contained in the first article of this agreement, the United States do hereby agree and stipulate to allow and pay the Creek Nation the sum of *one million of dollars*, which shall be invested and paid as follows, viz.: Two hundred thousand dollars shall be invested in some safe stocks, paying an interest of at least five per cent. per annum, which interest shall be regularly and faithfully applied to purposes of education among the Creeks; four hundred thousand dollars to be paid per capita, under the direction of the General Council of the Creek Nation, to individuals and members of said Nation [except such portion as they shall, by order of said National Council, direct to be paid to the Treasurer of said Nation, for any specified national object not exceeding (\$100,000) one hundred thousand dollars], as soon as practicable after the ratification of this agreement; and two hundred thousand dollars shall be set apart, to be appropriated and paid as follows, viz.: ten thousand dollars to be equally distributed and paid to those individuals and their heirs who, under the act of Congress of March third, eighteen hundred and thirty-seven, have received money in lieu of reservations of land to which they

were entitled, but which were not secured to them under the treaty of March twenty-fourth, eighteen hundred and thirty-two; one hundred and twenty thousand dollars to be equally and justly distributed and paid, under the direction of the General Council, to those Creeks or their descendants who emigrated west of the Mississippi River prior to said treaty of eighteen hundred and thirty-two, and to be in lieu of and full compensation for the claim of such Creeks to an allowance equivalent to the reservation granted to the Eastern Creeks by that treaty, and seventy thousand dollars for the adjustment and final settlement of such other claims of individual Creek Indians, as may be found to be equitable and just by the General Council of the Nation; *provided, however*, that no part of the three last-mentioned sums shall be allowed or paid to any other person or persons whatsoever than those who are actual and *bona fide* members of the Creek Nation, and belonging respectively to the three classes of claimants designated; said sums to be remitted and paid as soon as practicable after the General Council shall have ascertained and designated the persons entitled to share therein. And *provided further*, that any balance of the said sum of seventy thousand dollars, which may be found not to be actually necessary for the adjustment and settlement of the claim for which it is set apart, shall belong to the nation, and be applied to such object or objects of utility or necessity as the General Council shall direct. The remaining sum of two hundred thousand dollars shall be retained by the United States until the removal of the Seminole Indians, now in Florida, to the country west of the Mississippi River, herein provided for their tribe; whereupon the same, with interest thereon at 5 per cent. from the date of the ratification of this agreement shall be paid over to or invested for the benefit of the Creek Nation, or to be used and applied only for such objects or purposes of a strictly national or beneficial character as the interests and welfare of the Creek people shall actually require.

## ARTICLE VII.

It being the desire of the Creeks to employ their own teachers, mechanics and farmers, all of the funds secured to the Nation for educational, mechanical and agricultural purposes, shall, as the same shall become annually due, be paid over by the United States to the Treasurer of the Creek Nation; and the annuities in money due the Nation under former treaties shall also be paid to the same officer, whenever the General Council shall so direct.

## ARTICLE XIII.

The officers and people of each of the tribes of Creeks and Seminoles shall, at all times, have the right of safe conduct and free passage through the lands and territory of the other. The members of each shall have the right freely to settle within the country of the other, and shall thereupon be entitled to all the rights, privileges and immunities of members thereof, except that no member of either tribe shall be entitled to participate in any funds belonging to the other tribe. Members of each tribe shall have the right to institute and prosecute suits in the courts of the other, under such regulations as may, from time to time, be prescribed by their respective legislatures.

## ARTICLE XIV.

Any person duly charged with a criminal offense against the laws of either the Creek or Seminole tribe, and escaping into the jurisdiction of the other, shall be promptly surrendered upon the demand of the proper authority of the tribe within whose jurisdiction the offense shall be alleged to have been committed.

## ARTICLE XV.

So far as may be compatible with the Constitution of the United States, and the laws made in pursuance thereof,

regulating trade and intercourse with the Indian tribes, the Creeks and Seminoles shall be secured in the unrestricted right of self-government, and full jurisdiction over persons and property, within their respective limits, excepting, however, all white persons, with their property, who are not, by adoption or otherwise, members of either the Creek or Seminole tribe; and all persons not being members of either tribe, found within their limits, shall be considered intruders, and be removed from and kept out of the same by the United States agents for said tribes, respectively (assisted, if necessary, by the military), with the following exceptions, viz: Such individuals, with their families, as may be in the employment of the Government of the United States; all persons peaceably traveling or temporarily sojourning in the country, or trading therein under license from the proper authority of the United States; and such persons as may be permitted by the Creeks or Seminoles, with the assent of the proper authorities of the United States, to reside within their respective limits without becoming members of either of said tribes.

#### ARTICLE XVI.

The Creeks and Seminoles shall promptly apprehend and deliver up all persons accused of any crime against the laws of the United States, or any State thereof, who may be found within their limits, on demand of any proper officer of a State or of the United States.

#### ARTICLE XVII.

All persons licensed by the United States to trade with the Creeks or Seminoles shall be required to pay to the tribe within whose country they trade a moderate annual compensation for the land and timber used by them, the amount of such compensation, in each case, to be assessed by the proper authorities of said tribe, subject to the approval of the United States Agent therefor.

## ARTICLE XVIII.

The United States shall protect the Creeks and Seminoles from domestic strife, from hostile invasion, and from aggression by other Indians and white persons, not subject to their jurisdiction and laws; and for all injuries resulting from such invasion or aggression full indemnity is hereby guaranteed to the party or parties injured out of the Treasury of the United States, upon the same principle and according to the same rules upon which white persons are entitled to indemnity for injuries or aggression upon them, committed by Indians.

## ARTICLE XIX.

The United States shall have the right to establish and maintain such military posts, military and post roads, and Indian agencies, as may be deemed necessary within the Creek and Seminole country, but no greater quantity of land or timber shall be used for said purposes than shall be actually requisite; and if, in the establishment or maintenance of such posts, roads or agencies, the property of any Creek or Seminole be taken, destroyed or injured, or any property of either Nation, other than land or timber, just and adequate compensation shall be made by the United States. Such persons as are or may be in the employment of the United States, in any capacity, civil or military, or subject to the jurisdiction and laws of the Creeks and Seminoles, shall be permitted to farm or raise stock within the limits of said military posts or Indian agencies; and no offender against the laws of either of said tribes shall be permitted to take refuge therein.

## ARTICLE XX.

The United States, or any incorporated company, shall have the right of way for railroads, or lines of telegraphs, through the Creek and Seminole countries; but in the case

of any incorporated company, it shall have such right of way only upon such terms and payment of such amount to the Creeks and Seminoles, as the case may be, as may be agreed upon between it and the National Council thereof, or in case of disagreement by making full compensation, not only to individual parties injured, but also to the tribes for the right of way, all damage and injury done to be ascertained and determined in such manner as the President of the United States shall direct ; and the right of way granted by either of said tribes for any railroad shall be perpetual, or for such shorter term as the same may be granted, in the same manner as if there were no reversion of their lands to the United States provided for, in case of abandonment by them, or of extinction of their tribes.

#### ARTICLE XXI.

The United States will cause such portions of the boundaries of the Creek and Seminole countries as do not consist of well-defined natural boundaries to be surveyed and permanently marked and established. The Creek and Seminole General Councils may each appoint a commission from their own people to attend to the running of their respective boundaries, whose expense and a reasonable allowance for their time and services, while engaged in such duty, shall be paid by the United States.

Proclaimed August 28th, 1856.



TREATY.

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TREATY WITH THE UNITED STATES OF AMERICA, CONCLUDED JUNE 14TH, 1866 ; RATIFICATION ADVISED, WITH AMENDMENTS, JULY 19TH, 1866 ; AMENDMENTS ACCEPTED JULY 23D, 1866.

## ARTICLE I.

There shall be perpetual peace and friendship between the parties to this treaty, and the Creeks bind themselves to remain firm allies and friends of the United States, and never to take up arms against the United States, but always faithfully to aid in putting down its enemies. They also agree to remain at peace with all other Indian tribes, and in return the United States guarantees them quiet possession of their country, and protection against hostilities on the part of other tribes. In the event of hostilities, the United States agree that the tribe commencing and prosecuting the same shall, as far as practicable, make just reparation therefor. To insure this protection the Creeks agree to a military occupation of their country at any time by the United States, and the United States agree to station and continue in said country, from time to time, at its own expense, such force as may be necessary for that purpose.

A general amnesty of all past offenses against the laws of the United States, committed by any member of the Creek Nation, is hereby declared. And the Creeks, anxious for the restoration of kind and friendly feelings among themselves, do hereby declare an amnesty for all past offenses against their government, and no Indian or Indians shall be proscribed, or any act of forfeiture or confiscation passed against those who have remained

friendly to, or taken up arms against, the United States, but they shall enjoy equal privileges with other members of said tribe; and all laws heretofore passed inconsistent herewith are hereby declared inoperative.

## ARTICLE II.

The Creeks hereby covenant and agree that henceforth neither slavery nor involuntary servitude, otherwise than in the punishment of crimes, whereof the parties have been duly convicted, in accordance with laws applicable to all members of said tribe, shall ever exist in said Nation; and inasmuch as there are among the Creeks many persons of African descent, who have no interest in the soil, it is stipulated that hereafter these persons, lawfully residing in said Creek country, under their laws and usages, or who have been thus residing in said country, and may return within one year from the ratification of this treaty, and their descendants and such others of the same race as may be permitted by the laws of said Nation to settle within the limits of the jurisdiction of the Creek Nation as citizens [thereof], shall have and enjoy all the rights and privileges of native citizens, including an equal interest in the soil and national funds; and the laws of said Nation shall be equally binding upon and give equal protection to all such persons, and all others, of whatsoever race or color, who may be adopted as citizens or members of said tribe.

## ARTICLE III.

In compliance with the desire of the United States to locate other Indians and freedmen thereon, the Creeks hereby cede and convey to the United States, to be sold to and used as homes for such other civilized Indians as the United States may choose to settle thereon, the west half of their entire domain, to be divided by a line running north and south; the eastern half of said Creek lands being

retained by them, shall, except as herein otherwise stipulated, be forever set apart as a home for said Creek Nation; and in consideration of said cession of the west half of their lands, estimated to contain three millions two hundred and fifty thousand five hundred and sixty acres, the United States agrees to pay the sum of thirty (30) cents per acre, amounting to nine hundred and seventy-five thousand one hundred and sixty-eight dollars, in the manner hereinafter provided, to wit: Two hundred thousand dollars to be paid per capita in money, unless otherwise directed by the President of the United States, upon the ratification of this treaty, to enable the Creeks to occupy, restore and improve their farms, and to make their Nation independent and self-sustaining, and to pay the damages sustained by the Mission schools on the North Fork and the Arkansas Rivers, not to exceed two thousand dollars, and to pay the delegates such per diem as the Agent and Creek Council may agree upon as a just and fair compensation; all of which shall be distributed for that purpose by the Agent, with the advice of the Creek Council, under the direction of the Secretary of the Interior. One hundred thousand dollars shall be paid [in money and divided] to soldiers that enlisted in the Federal army, and the loyal refugee Indians and freedmen who were driven from their homes by the rebel forces, to reimburse them in proportion to their respective losses; four hundred thousand dollars to be paid [in money and divided] per capita to said Creek Nation, unless otherwise directed by the President of the United States, under the direction of the Secretary of the Interior, as the same may accrue from the sale of land to other Indians. The United States agree to pay to said Indians, in such manner and for such purposes as the Secretary of the Interior may direct, interest at the rate of five per cent. per annum from the date of the ratification of this treaty, on the amount hereinbefore agreed upon for said ceded lands, after deducting the said two hundred thousand dollars; the residue, two

hundred and seventy-five thousand one hundred and sixty-eight dollars, shall remain in the Treasury of the United States, and the interest thereon, at the rate of five per cent. per annum, be annually paid to said Creeks as above stipulated.

#### ARTICLE IV.

Immediately after the ratification of this treaty, the United States agree to ascertain the amount due the respective soldiers who enlisted in the Federal army, loyal refugee Indians and freedmen, in proportion to their several losses, and to pay the amount awarded each, in the following manner, to wit: A census of the Creeks shall be taken by the agent of the United States for said Nation, under the direction of the Secretary of the Interior, and a roll of the names of all soldiers that enlisted in the Federal army, loyal refugee Indians and freedmen be made by him. The Superintendent of Indian Affairs for the Southern Superintendency, and the Agent of the United States for the Creek Nation, shall proceed to investigate and determine from said roll the amounts due the respective refugee Indians, and shall transmit to the Commissioner of Indian Affairs for his approval, and that of the Secretary of the Interior, their awards, together with the reasons therefor. In case the awards so made shall be duly approved, said awards shall be paid from the proceeds of the sale of said lands within one year from the ratification of this treaty, or as soon as said amount of one hundred thousand (\$100,000) dollars can be raised from the sale of said lands to other Indians.

#### ARTICLE V.

The Creek Nation hereby grants a right of way through their lands, to the Choctaw and Chickasaw country, to any company which shall be duly authorized by Congress, and shall, with the express consent and approbation of the Secretary of the Interior, undertake to construct a railroad

from any point north to any point in or south of the Creek country, and likewise from any point on their eastern to their western or southern boundary; but said railroad company, together with all its agents and employes, shall be subject to the laws of the United States relating to intercourse with Indian tribes, and also to such rules and regulations as may be prescribed by the Secretary of the Interior for that purpose; and the Creeks agree to sell to the United States, or any company duly authorized as aforesaid, such lands not legally occupied by a member or members of the Creek Nation lying along the line of said contemplated railroad, not exceeding on each side thereof a belt or strip of land three miles in width, at such price per acre as may be eventually agreed upon between said Creek Nation and the party or parties building said road, subject to the approval of the President of the United States. *Provided, however,* that said land thus sold shall not be reconveyed, leased or rented to or be occupied by any one not a citizen of the Creek Nation, according to its laws and recognized usages; *provided, also,* that officers, servants and employes of said railroad, necessary to its construction and management, shall not be excluded from such necessary occupancy, they being subject to the provisions of the Indian intercourse law, and such rules and regulations as may be established by the Secretary of the Interior; nor shall any conveyance of any of said lands be made to the party building and managing said road until its completion as a first-class railroad, and its acceptance as such by the Secretary of the Interior.

#### ARTICLE VI.

[Stricken out by agreement.]

#### ARTICLE VII.

The Creeks hereby agree that the Seminole tribe of Indians may sell and convey to the United States all or any portion

of the Seminole lands, upon such terms as may be mutually agreed upon by and between the Seminoles and the United States.

### ARTICLE VIII.

It is agreed that the Secretary of the Interior forthwith cause the line dividing the Creek country, as provided for by the terms of the sale of the Creek lands to the United States in article third of this treaty, to be accurately surveyed under the direction of the Commissioner of Indian Affairs, the expense of which survey shall be paid by the United States.

### ARTICLE IX.

Inasmuch as the agency buildings of the Creek tribe have been destroyed during the late war, it is further agreed that the United States shall, at their own expense, not exceeding ten thousand dollars, cause to be erected suitable agency buildings, the sites whereof shall be selected by the agent of said tribe, in the reduced Creek reservation, under the direction of the Superintendent of Indian Affairs. In consideration whereof the Creeks hereby cede and relinquish to the United States one section of their lands to be designated and selected by their agent, under the direction of the Superintendent of Indian Affairs, upon which said agency buildings shall be erected, which section of land shall revert to the Creek Nation, when said agency buildings are no longer used by the United States, upon said Nation paying a fair and reasonable value for said buildings at the time vacated.

### ARTICLE X.

The Creeks agree to such legislation as the Congress and President of the United States may deem necessary for the better administration of justice and the protection of all rights of person and property within the Indian Territory;

*provided, however*, [that] said legislation shall not in any manner interfere with or annul their present tribal organizations, rights, laws, privileges and customs. The Creeks also agree that a General Council, consisting of delegates elected by each Nation or tribe, lawfully resident within the Indian Territory, may be annually convened in said Territory, which Council shall be organized in such manner and possess such powers as are hereinafter described.

*First*—After the ratification of this treaty, and as soon as may be deemed practicable by the Secretary of the Interior, and prior to the first session of said Council, a census or enumeration of each tribe, lawfully resident within said Territory, shall be taken, under the direction of the Superintendent of Indian Affairs, who, for that purpose, is hereby authorized to designate and appoint competent persons, whose compensation shall be fixed by the Secretary of the Interior and paid by the United States.

*Second*—The first General Council shall consist of one member from each tribe, and an additional member from each one thousand Indians, or each fraction of a thousand greater than five hundred, being members of any tribe lawfully resident in said Territory, and shall be selected by said tribes respectively, who may assent to the establishment of said General Council; and if none should be thus formally selected by a Nation or tribe, the said Nation or tribe shall be represented in said General Council by the Chief or Chiefs and head men of said tribe, to be taken in the order of their rank, as recognized in tribal usage, in the same number and proportions as above indicated. After the said census shall have been taken and completed, the Superintendent of Indian Affairs shall publish and declare to each tribe the number of members of said Council to which they shall be entitled, under the provisions of this article, and the persons entitled to so represent said tribes shall meet at such time and place as he shall appoint; but thereafter,

the time and place of the sessions of said Council shall be determined by its action; *provided*, that no session in any one year shall exceed the term of thirty days, and provided that special sessions of the Council may be called whenever, in the judgment of the Secretary of the Interior, the interest of said tribes shall require.

*Third*—Said General Council shall have power to legislate upon all rightful subjects and matters pertaining to the intercourse and relations of the Indian tribes and nations resident in said Territory, the arrest and extradition of criminals and offenders escaping from one tribe to another, the administration of justice between members of the several tribes of said Territory and persons other than Indians and members of said tribes or Nations, the construction of works of internal improvement, and the common defense and safety of the Nations of said Territory. All laws enacted by said General Council shall take effect at such time as may be therein provided, unless suspended by the direction of the Secretary of the Interior or the President of the United States. No law shall be enacted inconsistent with the Constitution of the United States, or the laws of Congress, or existing treaty stipulations with the United States, nor shall said Council legislate upon matters pertaining to the organization, laws or customs of the several tribes, except as herein provided for.

*Fourth*—Said Council shall be presided over by the Superintendent of Indian Affairs, or, in case of his absence from any cause, the duties of said Superintendent, enumerated in this article, shall be performed by such person as the Secretary of the Interior may direct.

*Fifth*—The Secretary of the Interior shall appoint a secretary of said Council, whose duty it shall be to keep an accurate record of all the proceedings of said Council, and who shall transmit a true copy of all such proceedings, duly certified by the Superintendent of Indian Affairs, to the



Secretary of the Interior, immediately after the sessions of said Council shall terminate. He shall be paid out of the Treasury of the United States an annual salary of five hundred dollars.

*Sixth*—The members of said Council shall be paid by the United States the sum of four dollars per diem during the time actually in attendance on the session of said Council, and at the rate of four dollars for every twenty miles necessarily traveled by them in going from and returning to their homes, respectively, from said Council, to be certified by the the Secretary of said Council and the Superintendent of Indian Affairs.

*Seventh*—The Creeks also agree that a court or courts may be established in said Territory, with such jurisdiction and organized in such manner as Congress may by law provide.

## ARTICLE XI.

The stipulations of this treaty are to be a full settlement of all claims of said Creek Nation for damages and losses of every kind growing out of the late rebellion, and all expenditures by the United States of annuities in clothing and feeding refugees and destitute Indians since the diversion of annuities for that purpose consequent upon the late war with the so-called Confederate States; and the Creeks hereby ratify and confirm all such diversions of annuities heretofore made from the funds of the Creek Nation by the United States; and the United States agree that no annuities shall be diverted from the objects for which they were originally devoted by treaty stipulations with the Creeks, to the use of refugee and destitute Indians other than the Creeks, or members of the Creek Nation, after the close of the present fiscal year, June 30th, 1866.

## ARTICLE XII.

The United States reaffirm and reassume all obligations

of treaty stipulations with the Creek Nation entered into before the treaty of said Creek Nation with the so-called Confederate States, July tenth, eighteen hundred and sixty-one, not inconsistent herewith; and further agree to renew all payments accruing by force of said treaty stipulations, from and after the close of the present fiscal year, June thirtieth, eighteen hundred and sixty-six, except as is provided in article eleventh.

### ARTICLE XIII.

A quantity of land not exceeding one hundred and sixty acres, to be selected according to legal subdivisions, in one body, and to include their improvements, is hereby granted to every religious society or denomination which has erected, or which, with the consent of the Indians, may hereafter erect, buildings within the Creek country for missionary or educational purposes; but no land thus granted, nor the buildings which have been or may be erected thereon, shall ever be sold or otherwise disposed of except with the consent and approval of the Secretary of the Interior; and whenever any such lands or buildings shall be so sold and disposed of, the proceeds thereof shall be applied, under the direction of the Secretary of the Interior, to the support and maintenance of other similar establishments for the benefit of the Creeks and such other persons as may be or may hereafter become members of the tribe, according to its laws, customs and usages; and if at any time said improvements shall be abandoned for one year for missionary or educational purposes, all the rights herein granted for missionary and educational purposes shall revert to the said Creek Nation.

### ARTICLE XIV.

It is further agreed that all treaties heretofore entered into between the United States and the Creek Nation, which

are inconsistent with any of the articles or provisions of this treaty, shall be, and are hereby, rescinded and annulled; and it is further agreed that ten thousand dollars shall be paid by the United States, or so much thereof as may be necessary to pay the expense incurred in negotiating the foregoing treaty.

Proclaimed August 11th, 1866.



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# APPENDIX.



## APPENDIX.

### FORMS IN CIVIL CASES.

#### NO. 1. SUMMONS AND WARNING ORDER.

The Muskogee Nation to the Captain of Light Horse of *Muskogee* District :

You are commanded to summon *Richard Rowe* to answer on the *1st* day of the next (*May*) term of the *Muskogee* District Court, a complaint filed against him in said Court by *John Doe*, and warn him that, upon his failure to answer, the complaint will be taken for confessed ; and you will make due return of the summons on the first day of the next (*May*) term of said Court.

Witness my hand and the seal of said Court, this *10th day of April, 1893*.

*HENRY WILKINS,*

Judge of *Muskogee* District.

#### EXECUTION AND PROCEEDINGS UNDER.

##### NO. 2. CLAIM OF EXEMPTED PERSONAL PROPERTY.

*Muskogee* District—Before *Henry Wilkins*, Judge of said District :

<i>Richard Rowe</i> , Plaintiff,	} Schedule.
Against	
<i>John Doe</i> , Defendant.	

*John Doe*, the defendant in the above entitled action, states that he is a resident of the Creek Nation and a married man

(or the head of a family); that he is the owner of the following described personal property in addition to his wearing apparel and that of his family, household and kitchen furniture and fixtures, all agricultural, horticultural and general farming implements and all improvements upon the public domain, to-wit:

One bay horse, one black mare, one two-horse wagon, etc., (describing all the defendant's personal property, including monies, credits, etc.); that an execution has been issued by said Court on the judgment rendered against him in said action, and that he claims as exempt from sale on said process, the part of said property specified as follows:

One bay horse, at the value of.....\$100 00

One black mare, at the value of..... 125 00

Etc., etc.

*JOHN DOE.*

I, *John Doe*, do solemnly swear that the above schedule embraces all of my personal property of every kind, in addition to my wearing apparel and that of my family, all household and kitchen furniture and fixtures, all agricultural and horticultural and general farming implements and all improvements upon the public domain, and that the property claimed in such schedule as exempt from execution does not exceed in value the sum of five hundred (\$500.00) dollars.

*JOHN DOE.*

Subscribed and sworn to before me this *20th day of January, 1893.*

*HENRY WILKINS,*

Judge of *Muskogee* District.



PROCESS FOR ATTENDANCE OF WITNESSES.

NO. 3. SUBPENA IN DISTRICT COURT.

The Muskogee Nation to the Captain of the Light Horse of the  
*Muskogee District* :

You are commanded to summon *John Styles, George Morgan,*  
and *Richard Burns* to appear before the *Muskogee District*  
Court on the *3d* day of the next (*May*) term, which will be on  
*Thursday*, the *5th* day of *May*, 1893, and testify on behalf of  
the plaintiff in an action in said Court between *Richard Rowe*,  
plaintiff, and *John Doe*, defendant.

Witness my hand and seal of said Court this *10th* day of *Jan-*  
*uary*, 1893.

NO. 4. WARRANT FOR ARREST OF WITNESS FROM THE  
DISTRICT COURT.

The Muskogee Nation to the Captain of the Light Horse of the  
*Muskogee District* :

You are commanded to arrest *George Morgan* and have him  
before the *Muskogee District* Court on the *3rd* day of the next  
(*May*) term, which will be on *Thursday*, the *5th* day of *May*,  
1893, as well to testify in behalf of the plaintiff in an action  
in said Court between *Richard Rowe*, plaintiff, and *John Doe*,  
defendant, as to answer for contempt of said Court.

Witness my hand and seal of said Court, this *10th* day of  
*January*, 1893.

HENRY WILKINS,  
Judge of *Muskogee District*.

## ORDERS IN COURT.

NO. 5. JUDGMENT IN PROCEEDINGS AT LAW, BY DEFAULT,  
IN AN ACTION ON A NOTE.

*Richard Rowe*, Plaintiff, }  
           Against                }  
*John Doe*, Defendant. } Judgment.

The defendant having been duly summoned, and failing to answer, it is adjudged by the Court that the plaintiff recover of the defendant eight hundred and twenty-seven (\$827.00) dollars, the amount of the note sued on, and interest thereon, with 10 per cent. interest per annum thereon, from this date until paid.

## NO. 6. WHERE ANSWER FILED AND VERDICT FOR PLAINTIFF.

*Richard Rowe*, Plaintiff, }  
           Against                }  
*John Doe*, Defendant. } Judgment.

The parties appeared by their attorneys and the defendant filed his answer to the plaintiff's complaint, and thereupon the following jurors: *John Styles, George Morgan and Richard Burns*, who had previously been sworn as required by law, were impaneled to try the issue, and having heard the evidence, rendered the following verdict:

"We, the jury, find for the plaintiff three hundred and eleven (\$311.00) dollars.

                  "*HAROLD J. GALPIN*, Foreman."

It is therefore adjudged by the Court that the plaintiff recover of the defendant three hundred and eleven (\$311.00) dollars.

## No. 7. JUDGMENT FOR PERSONAL PROPERTY.

*Richard Rowe*, Plaintiff, }  
Against } Judgment.  
*John Doe*, Defendant. }

The parties appeared by their attorneys, and the following jurors, *John Styles*, *George Morgan* and *Richard Burns*, having previously been sworn as required by law, were impaneled to try the issue (or issues), and, having heard the evidence, render the following verdict: "We of the jury, find for the plaintiff the bay horse mentioned in the complaint of the value of one hundred (\$100.00) dollars; also fifty (\$50.00) dollars damages for his detention. *JOHN GALPIN*, Foreman."

It is therefore adjudged by the Court that the plaintiff recover of the defendant the bay horse mentioned in the complaint, if to be had; if not, one hundred (\$100.00) dollars, his value, and fifty (\$50.00) dollars damages for his detention.

## FORMS IN CRIMINAL CASES.

---

### No. 8. SUBPENA FROM DISTRICT COURT.

The Muskogee Nation to the Captain of Light Horse of the  
*Muskogee* District :

You are commanded to summon *John Styles* and *George Morgan* to appear in *Muskogee* District Court on the *5th* day of *May* to testify in behalf of the plaintiff (or defendant) in the case of the Muskogee Nation against *John Doe*.

Witness my hand and the seal of the said Court this *10th* day  
of *January*, 1893.

*HENRY WILKINS,*

Judge of the *Muskogee* District.

---

### ARREST AND SUMMONS.

#### No. 9. INDORSEMENT ON THE WARRANT OF ARREST WHERE THE OFFENSE IS A LARCENY.

The within named *John Smith* is permitted to give bail in the sum of \$———, for his appearance before me, on a day to be fixed in the bail bond, for trial.

*HENRY WILKINS,*

Judge of the *Muskogee* District.

---

### INDICTMENTS.

#### No. 10. INDICTMENT FOR MURDER.

Muskogee Nation,	}	Indictment.
Against		
<i>John Smith.</i>		

In the name and by the authority of the Muskogee Nation, I do hereby accuse *John Smith* of the crime of murder, com-

mitted as follows, to-wit : The said *John Smith* on the *first* day of *March, 1893*, in the District of *Muskogee*, feloniously, willfully, deliberately and of his malice aforethought and with premeditation, did kill and murder *James Brown*, by shooting him on the head and body of him, the said *James Brown*, with a pistol loaded with a leaden bullet or other hard substance, against the peace and dignity of the Muskogee Nation.

**WILLIAM JONES,**

Prosecuting Attorney.

Witnesses . { .....  
                  { .....

NO. 11. INDICTMENT FOR PERJURY.

*Muskogee Nation* }  
    *Against*         { Indictment.  
    *John Smith.*    {

In the name and by the authority of the Muskogee Nation, I do hereby accuse *John Smith* of the crime of perjury, committed as follows, viz : The said *John Smith*, on the *10th* day of *January, 1893*, in the Muskogee District, on his examination as a witness, duly sworn to testify the truth, the whole truth, and nothing but the truth, on the trial of a civil action in the District Court, between *Richard Rowe*, plaintiff, and *John Doe*, defendant, which Court had authority to administer such oath, feloniously, falsely and corruptly testified that (here insert the statement alleged to be false) ; the matter so testified being material, and the testimony being willfully false, against the peace and dignity of the Muskogee Nation.

**WILLIAM JONES,**

Prosecuting Attorney.

Witnesses { .....  
              { .....

## BAIL.

## NO. 12. BAIL BOND TO APPEAR BEFORE THE COURT FOR TRIAL.

*John Smith* having been arrested under a warrant of arrest, on the charge of larceny in the *Muskogee* District, being permitted to give bail in the sum of \$————, now we *Ben White* and *Joe Black*, of Muskogee District, Muskogee Nation, undertake that the said *John Smith* will appear before the *Muskogee* District Court on the 3d day of *May*, 1893, to answer the charge specified in said warrant, and then and there surrender himself into custody, and will not depart without being lawfully discharged; and, if he fail to perform either of these conditions we will pay to the Muskogee Nation the sum of \$————.

*BEN WHITE.*

*JOE BLACK.*

*Tenth day of January, 1893.*

Attest: *Jim Kernels*, Captain of the Light Horse of the *Muskogee* District.

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